



San Gabriel Valley Mosquito and Vector Control District
Personnel and Policy Committee Meeting
November 12, 2021 – Approx. 8:20 AM
1145 N. Azusa Canyon Road, West Covina, CA 91790

HOW TO OBSERVE THE MEETING:

Telephone: Listen to the meeting live by calling Zoom at (669) 900-6833. Enter the Meeting ID# 846 4392 9409 followed by the pound (#) key. More phone numbers can be found on Zoom's website at <https://zoom.us/u/ackGc2g5eB> if the line is busy.

Computer: Watch the live streaming of the meeting from a computer by navigating to <https://us02web.zoom.us/j/82112033347> using a computer with internet access that meets Zoom's system requirements (see <https://support.zoom.us/hc/en-us/articles/201362023-System-Requirements-for-PC-Mac-and-Linux>)

Mobile: Log in through the Zoom mobile app on a smartphone and enter Meeting ID# 821 1203 3347.

HOW TO SUBMIT PUBLIC COMMENTS:

Before the Meeting: Please email your comments to district@sgvmosquito.org, write "Public Comment" in the subject line. In the body of the email, include the agenda item number and title, as well as your comments. If you would like your comment to be read aloud at the meeting (not to exceed three minutes at staff's cadence), prominently write "Read Aloud at Meeting" at the top of the email. All comments received before 11:00 a.m. the day of the meeting will be included as an agenda supplement on the District's website under the relevant meeting date and provided to the Trustees at the meeting. Comments received after this time will be treated as contemporaneous comments.

Contemporaneous Comments: During the meeting, the Committee Chair or designee will announce the opportunity to make public comments and identify the cut off time for submission. A short recess (generally less than 10 minutes) will take place during the time public comment is open to allow the comments to be collected. Please email your comments to district@sgvmosquito.org, write "Public Comment" in the subject line. In the body of the email, include the agenda item number and title, as well as your comments. Once the public comment period is closed, all comments timely received will be read aloud at the meeting (not to exceed three minutes at staff's cadence). Comments received after the close of the public comment period will be added to the record after the meeting.

1. Call to order

1.1 Roll Call Attendance

1.2 ORDER OF BUSINESS – Review and prioritization of Agenda Items including, if necessary, identification of any emergency items arising after posting of the Agenda and requiring action prior to next regular meeting.

2. Opportunity for Public Comment on Non-Agenda Items

(Individual Public Comments may be limited to a 3-minute or less time limit) During Public Comments, the public may address the Committee on any issue within the District's jurisdiction that is not on the agenda. The public may comment on any item on the Agenda at the time that item is before the Committee for consideration. There will be no dialog between the Committee and the Commenter. Any clarifying questions from the Committee must go through the Committee Chair.

3. Personnel and Policy Handbook Revision Request For Proposal (RFP)

Submission Review (Managers Report)(Discussion)(Respondent Interview Selection)
Committee Chair, Richard Barakat

4. Adjournment

Personnel and Policy Committee

Richard Barakat (Chair)
Corey Calaycay
Roger Chandler
Robert Joe
Ryan Vienna

Jamie Bissner
John Capoccia
Margaret Finlay
Cynthia Sternquist

CERTIFICATE OF POSTING

This agenda shall be made available upon request in alternative formats to persons with a disability as required by the American with Disabilities Act of 1990 (42 U.S.C. §12132) and the Ralph M. Brown Act (California Government Code §54954.2). Persons requesting a disability related modification or accommodation in order to participate in the meeting should contact the San Gabriel Valley Mosquito and Vector Control District at (626-814-9466) during regular business hours, at least twenty-four hours prior to the time of the meeting.

Materials related to an item on the Agenda submitted after distribution of the agenda packet are available for public inspection in the San Gabriel Valley Mosquito & Vector Control District Office located at 1145 North Azusa Canyon Road, West Covina, CA 91790 during normal business hours.



Jared Dever
District Manager, San Gabriel Valley MVCD

Notice to the Public

It is the intention of the San Gabriel Valley Mosquito and Vector Control District (District) to comply with the Americans With Disabilities Act (ADA) in all respects. If, as an attendee or a participant at this meeting, you will need special assistance beyond what is normally provided, the District will attempt to accommodate you in every reasonable manner.

Please contact the Clerk of the Board at (626) 814-9466. Assisted listening devices are available at the meeting for individuals with hearing impairments. Notification 48 hours prior to the meeting will enable the District to make reasonable arrangements to ensure accessibility to this meeting. (28 CFR 35. 102-35. 104 ADA Title II)

San Gabriel Valley Mosquito and Vector Control District
District Manager's Report

Date: November 12, 2021

Meeting of: San Gabriel Valley Mosquito and Vector Control District Board of Trustees

Subject: **Personnel and Policy Handbook Revision Request For Proposal (RFP) Submission Review**

Exhibit(s): **Respondent RFP's (5)**

Background

The Personnel and Salary Resolution (PSR) is the policy and procedures handbook for all District employees. In addition to ensuring the District is compliant with state and federal labor regulations, the PSR also defines general working conditions, schedules, compensation practices, performance standards, grievance protocols, promotion and demotion rules, and many other internal employment policies.

As a prudent management practice, any agency policy manual should periodically be comprehensively reviewed to ensure all rules and regulations are current, legal, and appropriately reflect the actual work practices. The PSR has undergone constant revision and amendments over the past four and a half years to bring our policies into compliance with rapidly changing employment regulation changes. These amendments have kept the district in legal compliance, but many policy areas of the PSR are antiquated and have not been adequately addressed. Given the significant personnel time necessary to revise the document in its entirety, staff is recommending contracting for professional legal services to conduct the revision project in collaboration with District Human Resources staff.

Fiscal Impact:

If the Committee selects a respondent, or respondents, for the interview process and subsequent recommendation to the Board of Trustees, capital funding will need to be considered prior to the award of contract. Authorization of these monies may be considered at a future Board of Trustees meeting.

Committee Action Options:

- Committee Action Required: If the Committee concurs, following the public discussion by members of this item, the appropriate action is to select a respondent, or respondents, for the interview process and subsequent recommendation to the Board of Trustees.

- Alternative Committee Action: If after discussion by members of this item, the Committee may choose to not select a respondent, or respondents, for the interview process and subsequent recommendation to the Board of Trustees.

Submitted by:

Jared Dever
District Manager

RICHARDS WATSON GERSHON

San Gabriel Valley Mosquito and Vector Control District

Proposal for Personnel Policy Manual

September 24, 2021

Rebecca Green

350 South Grand Avenue, 37th Floor
Los Angeles, California 90071
Telephone: 213.626.8484
Facsimile: 213.626.0078
E-mail: rgreen@rwglaw.com
Website: www.rwglaw.com



**In Your Community
By Your Side**

September 24, 2021

San Gabriel Valley Mosquito and Vector Control District
1144 North Azusa Canyon Road
West Covina, California 91790
Attention: Jared Dever, District Manager (jdever@sgvmosquito.org)

Reference: ***Response to Request for Proposals for Personnel Policy Manual***

Dear Mr. Dever:

Richards, Watson & Gershon (RWG) is pleased to submit this response to the San Gabriel Valley Mosquito and Vector Control District's (District) Request for Proposals for Personnel Policy Manual.

To handle the different facets of the District's legal services, we are proposing two highly accomplished attorneys. Our team members will be: Rebecca Green and Cassandra Lo.

Rebecca will be responsible for the primary communication with the District regarding this RFP. She and I can be reached as follows:

**Richards, Watson & Gershon,
A Professional Corporation**
350 South Grand Avenue, 37th Floor
Los Angeles, California 90071

Rebecca Green
Phone: 213.626.8484
Email: rgreen@rwglaw.com

Kayser O. Sume
Phone: 213.626.8484
Email: ksume@rwglaw.com

The attorneys at RWG are leaders in California with highly specialized skills in labor and employment work on behalf of public agencies. Our proposed team, backed by the extensive resources of RWG, would provide excellent representation to the District and we appreciate being considered for this opportunity.

We look forward to discussing our qualifications with you. In the meantime, if you have any questions or comments, please do not hesitate to contact Rebecca or me.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Kayser O. Sume', written in a cursive style.

Kayser O. Sume
Chairman, Board of Directors

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Exhibits:

Exhibit 1 - Attorney Biographies

Firm Expertise

RWG delivers advisory, transactional, and litigation services with a specialized focus on matters involving public agency and municipal law; labor and employment; elections law, ethics, and open government; public finance; economic development; public works, construction, and contracting; administrative law and government regulation; eminent domain; land use and environmental law; and real estate.

Municipal Experience

With a team of attorneys who are experts in municipal law, clients rely on RWG's counsel in a number of specialty practice areas. Our core practice groups are supplemented by attorneys with expertise in:

- affordable housing
- appellate law
- civil rights and constitutional law
- climate change
- code enforcement
- conflicts of interest
- election law
- general plans
- hazardous materials
- litigation
- land use and planning
- municipal taxation
- municipal torts
- ordinances and resolutions
- police and fire practices
- Political Reform Act
- public finance
- public works, construction, and contracting
- stormwater regulation
- telecommunications
- tort defense
- transportation
- utilities and franchising
- water law
- writs and appeals

Labor and Employment

The Firm's Labor and Employment Law Department represents employers in all aspects of the employment relationship. We offer a full range of labor and employment legal services in human resources administration, legal compliance, employer-employee relations, and employment litigation, including the following:

- Human resources administration, including work involving the creation, application, interpretation, and updating of employee handbooks; compensation and benefits; and policy compliance. We also provide advice and representation in internal investigations and termination. We have conducted training programs covering performance evaluations, workplace investigations, family and medical leave programs, and harassment prevention. Recently our Labor and Employment Department has provided training programs on AB 5,

the Brown Act, Policy and Procedure Writing, and compliance with COVID-19 related workplace safety and sick leave laws.

- Compliance with employment laws such as those governing wages and hours (FLSA, California Labor Code), equal employment (Title VII, FEHA, ADA, ADEA), protected leaves of absence (FMLA, CFRA, PDL, Kin Care, Labor Code, military leave), and other employee rights (privacy, whistleblower). We also have expertise in matters surrounding the COVID-19 pandemic, including the Families First Coronavirus Response Act, COVID-19 Supplemental Paid Sick Leave, Cal/OSHA regulations, and ADA implications of COVID-19.
- Employee relations including labor negotiations, MOU administration, meet and confer issues, grievances, unfair labor practice charges, and grievance appeals. We work to remain flexible in providing the employee relations services that will best serve the specific client involved.
- Employment litigation, with the overall goal of labor and employment counseling to avoid litigation through a positive personnel program, preventive advice, and legally compliant procedures. When litigation is unavoidable, we have been very successful in defending the decisions of our clients in actions involving labor disputes, alleged discrimination and harassment, and challenges to disciplinary decisions. On behalf of our clients, we also appear in alternative dispute resolution proceedings, such as mediation and arbitration, as well as administrative proceedings before the California Department of Fair Employment and Housing, the U.S. Equal Employment Opportunity Commission, and the Public Employment Relations Board.

Examples of Labor and Employment

Client Name	Summary
<u>Public Agency Clients</u> Personnel Manuals	Assisted in drafting and revision of personnel manuals for multiple cities, special districts, and other public agencies.
<u>Public Agency Client</u> Representation of Employer	Wrongful termination Case - This case was based on allegations of race discrimination. The plaintiffs were three employees suing an agency because they were reclassified to an allegedly less desirable position and were all members of the same racial group. The agency proved there was no discriminatory motive or intent.

Client Name	Summary
<p><u>Public Agency Client</u> Representation of Employer</p>	<p>Memoranda of Understanding Negotiation - The agency was negotiating with five unions to renew their memoranda of understanding. Because the agency was facing a serious revenue crisis due to the COVID-19 pandemic, labor relations were strained as the unions were being denied cost of living increases. Our Firm successfully negotiated contracts that met the agency’s needs and objectives.</p>
<p><u>Public Agency Client</u> Representation of and advice to Personnel Commission in administrative hearing on employee’s appeal from termination.</p>	<p>Termination Appeal - A sworn peace officer was challenging his termination after an internal investigation concluded that he had engaged in inappropriate sexual conduct. Our firm advised the agency’s hearing officer in the administrative hearing and successfully defended a writ action in Superior Court.</p>
<p><u>Public Agency Clients</u> Organizational Restructuring</p>	<p>Two of our public agency clients recently undertook massive organizational restructuring efforts that involved the separation of multiple employees. One agency eliminated departments and positions to align with a new strategic direction and declining revenues. We advised throughout the process as general counsel and part of the executive team, from the planning of the new structure to risk mitigation, from advising the governing body to drafting and negotiating severance agreements, and even contributing our experience to the structure of the severance offers themselves. In the end, the restructuring was accomplished with no claims or litigation. For the other client, involving a larger separation, we advised staff on such issues as PERS requirements, risk mitigation and severance agreements.</p>

Project Team

We are proposing a highly qualified team with experience in drafting personnel policy manuals. Rebecca Green will be lead counsel point of contact and will be assisted by Cassandra Lo. Biographies are included for Rebecca and Cassandra in Exhibit 1.

Team Resumes



Rebecca Green | Lead Counsel Point of Contact

350 South Grand Avenue, 37th Floor
Los Angeles, California 90071
Phone: 213.626.8484
Email: rgreen@rwglaw.com

Rebecca is Chair of the Labor and Employment Department. She represents cities and other public agencies on labor and employment issues including hiring and recruitment, compliance with state and federal labor regulations, drafting and implementing personnel policies, discrimination and harassment prevention, reasonable accommodation and the interactive process, discipline and termination. Rebecca also conducts personnel investigations and provides training to ensure compliance with rapidly changing labor and employment laws. She represents cities in personnel hearings, including appeals of discipline, and negotiates with employee associations to resolve grievances and reach memoranda of understanding under the Meyers-Milias-Brown Act.

As a litigator, Rebecca also represents clients in labor and employment disputes, including in mediation, arbitration, administrative hearings, and litigation in state and federal court. Rebecca's experience as a litigator gives her a unique insight into the prevention and negotiation of employment disputes.



Cassandra Lo | Associate

350 South Grand Avenue, 37th Floor
Los Angeles, California 90071
Phone: 213.626.8484
Email: clo@rwglaw.com

Cassandra represents local governments and public agencies on labor and employment issues. Her practice involves advice and counsel to clients regarding disciplinary matters, discrimination and harassment prevention, and compliance with the Americans with Disabilities Act and other state and federal regulations. She represents clients in various stages of employment disputes, including mediation, arbitration, administrative hearings, and litigation.

Prior to joining Richards, Watson & Gershon in 2021, Cassandra spent the majority of her legal career as an attorney with the County of Los Angeles, Office of the County Counsel. She gained extensive experience in labor and employment matters, as well as experience in public law matters, including the Brown Act, conflicts of interest, the Public Records Act, and legislation.

References

Client Name/Contact Information	Services Provided
<p>City of Beverly Hills Shelley Ovrom Director of Human Resources 455 North Rexford Drive Beverly Hills, California 90210 Telephone: 310.285.1067 E-mail: sovrom@beverlyhills.org Dates of Service: December 2017 to present</p>	<p>Rebecca regularly provides human resources advice and legal analysis, represents the City in disciplinary disputes and employment litigation, responds to union grievances, assists with the development of policies and personnel regulations, and works with City to staff to ensure compliance with labor and employment laws, including the recent laws enacted during the COVID-19 pandemic.</p>
<p>Granada Community Services District William Parkin General Counsel Wittwer Parkin LLP 335 Spreckels Drive, Suite H Aptos, California 95003 Telephone: 831.429.4055 E-mail: wparkin@wittwerparkin.com Dates of Service: Ongoing</p>	<p>Rebecca has provided the District with advice on human resource administration, terminations, employment-related claims by current and former employees, and personnel rule revisions.</p>

Diversity and Non-Discrimination Statement

RWG is committed to fostering an environment that embraces each individual's unique background, experience, and perspective. Our goal is to reflect the diversity of our clients and the communities in which we practice. This success begins with our summer associate program and is reflected in the composition of our partner, counsel, and associate ranks. 47 percent of RWG's shareholders are women and many of RWG's shareholders come from diverse backgrounds. We believe these numbers show not only a commitment to diversity in our hiring practices, but also a commitment to mentoring attorneys from diverse backgrounds in meaningful ways so that they succeed at RWG.

We are proud of the diversity at RWG. RWG actively recruits candidates from diverse backgrounds through its summer associate recruitment process, sponsorship of diversity conferences, and active participation in presentations and panels to diverse law school student groups.

RWG is an equal opportunity employer and is committed to fostering a diverse workforce. We do not discriminate on the basis of race, religious creed, color, national origin, medical condition, genetic information, marital status, pregnancy, gender, gender identity, gender expression, age, sexual orientation, or military and veteran status, taking or requesting statutorily protected leave including family care leave, genetic information, civil union status, or domestic partnership status. This policy applies to all employment decisions and conditions of employment, including hiring, placing, promoting, training, transferring, compensating, providing benefits, as well as with respect to layoffs and terminations.

Fee Schedule

The proposed hourly billing rates for the core team members are as follows:

Attorney	Rate
Rebecca Green	\$300
Cassandra Lo	\$250

To the extent that the services of other Firm attorneys with specialized expertise are required, such services would be billed for advisory work at a rate of \$300 per hour for all Shareholders and Senior Attorneys and \$250 per hour for all other attorneys. Paralegal time will be billed at \$145 per hour on all matters.

Items Billed Separately

Items such as mileage, photocopying, messenger and delivery services, and legal research services will be billed separately at the rates detailed below.

Photocopying. Copies will be billed at five cents per page.

Mileage. RWG bills mileage at the standard rate established by the IRS for calculating the operating expenses of an automobile used for business purposes, which currently is .56 cents per mile.

All other costs, including messenger and delivery services and court reporter or court filing fees, will be charged at the rate of the Firm's actual out-of-pocket expense. The Firm will not charge for word processing and similar clerical tasks.

Adjustments

Commencing on July 1, 2023 and every July 1 thereafter, the compensation rates set forth in this Agreement shall be automatically increased by the lesser of four percent (4%) or any positive percentage change in the Consumer Price Index (All Urban Consumers Los Angeles-Long Beach-Anaheim) ("CPI") for the previous year calculated by comparing April of the current year to April of the previous year.

Insurance

A. *Coverage Levels.* RWG shall maintain at all times during the term of the Agreement policies of insurance with at least the minimum coverage specified below:

- 1) General liability insurance coverage with a minimum limit of liability of One Million Dollars (\$1,000,000) per occurrence and Two Million Dollars (\$2,000,000) in the general aggregate.
- 2) Professional liability coverage with a minimum limit of liability of Two Million Dollars (\$2,000,000.00) per occurrence or claim and Two Million Dollars (\$2,000,000.00) in the aggregate, providing coverage for damages or losses suffered by the District as a result of wrongful errors or omissions or neglect by RWG that arises out of the professional services required by this Agreement. Such insurance may be subject to reasonable terms, limitations and conditions and a self-insured retention or deductible to be borne entirely by RWG which shall not exceed Two Hundred Fifty Thousand Dollars (\$250,000.00) per claim.
- 3) Automobile liability insurance for non-owned automobiles in an amount of not less than One Million Dollars (\$1,000,000).
- 4) Workers' compensation coverage in compliance with California law.

Exhibit 1

Attorney Biographies

Rebecca GREEN

Shareholder

LOS ANGELES

T 213.626.8484

E rgreen@rwglaw.com



Rebecca represents cities, special districts, and other public agencies on labor and employment issues including hiring and recruitment, compliance with state and federal labor regulations, drafting and implementing personnel policies, discrimination, and harassment prevention, reasonable accommodation and the interactive process, discipline and termination. Rebecca also conducts personnel investigations and provides training to ensure compliance with the rapidly evolving arena of labor and employment law. She represents clients in personnel hearings, including appeals of discipline, and negotiates with employee associations to resolve grievances and form memoranda of understanding under the Meyers-Milias-Brown Act.

A seasoned trial attorney, Rebecca represents clients in employment disputes, including in mediation, arbitration, administrative hearings and litigation. She has successfully litigated collective actions under the Fair Labor Standards Act and individual claims brought under the Fair Employment and Housing Act, as well as a variety of disputes ranging from breach of employment contract to Private Attorney General Act and whistleblower lawsuits.

PROFESSIONAL EXPERIENCE

Rebecca began her legal career as a white collar criminal defense attorney at Kirkland & Ellis in Washington, D.C., where she worked with clients to ensure compliance with federal and international laws. She moved to California to clerk for the Honorable Richard A. Paez on the United States Court of Appeals for the Ninth Circuit. Following her clerkship, Rebecca worked as a civil trial attorney, representing clients in a wide variety of areas and focusing on employment litigation. She also gained significant experience advising clients on employment matters and negotiating employment disputes with the goal of pre-litigation resolution.

PRACTICE AREAS

Labor & Employment

FOCUS AREAS

Discipline & Termination

Discrimination & Harassment

Litigation (Labor & Employment)

EDUCATION

J.D., Harvard Law School

M.A., Harvard University

B.A., cum laude, Swarthmore College

PROFESSIONAL AND COMMUNITY AFFILIATIONS

Member, Leadership Council on Legal Diversity

NEWS

Employee's Speech Undermining Public Employer in the Course of Duties Is Not Protected
08.26.2021

Governor Approves COVID-19 Supplemental Paid Sick Leave
03.22.2021

"Beyond Bostock" by Rebecca Green Is Los Angeles Lawyer Magazine's February Cover Story
02.09.2021

Governor Signs Law Impacting COVID-19 Workplace Exposures
09.21.2020

Governor Signs Law Creating "Bona Fide Business-to-Business Contracting" Exemption to AB 5 for Public Agencies
09.08.2020

Department of Labor Addresses "Back to School" Issues Regarding Leave Under the Families First Coronavirus Response Act
08.31.2020

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

EEOC Issues Updated Guidance Regarding COVID-19 Response
06.19.2020

Workplace Discrimination Against LGBTQ Employees Is Prohibited by Federal Law
06.17.2020

CalPERS Expands Its COVID-19 Frequently Asked Questions Webpage
05.08.2020

New Regulations Help Define the Families First Coronavirus Response Act (FFCRA)
04.03.2020

Department of Labor Issues New Guidance on the Families First Coronavirus Response Act

03.30.2020

New Regulations Regarding Employment of Retired Annuitants

03.19.2020

California Supreme Court Allows Elimination of "Air Time" Benefit but Avoids Reconsideration of the "California Rule"

03.08.2019

Court of Appeal Takes Practical Approach to Police Discipline Statute of Limitations

07.09.2018

Mandatory Union Agency Fees Violate First Amendment

06.27.2018

PRESENTATIONS

Elected Officials & Employment Laws: When the Rules Don't Apply

League City Attorneys' Spring Conference, 04.30.2021

Sexual Harassment Prevention for Elected Local Agency Officials

Institute for Local Government, 08.01.2019

Policy and Procedure Writing

Victorville City Hall, 03.13.2019

Sexual Harassment Prevention for Elected Local Agency Officials

California Contract Cities Association, Indian Wells, 12.11.2018

Workplace Implications of the Me Too and Time's Up Movements

Municipal Management Association of Southern California, Women's Leadership Summit, Yorba Linda, California, 05.09.2018

PUBLICATIONS

"Beyond Bostock"

Los Angeles Lawyer Magazine, 02.2021

Cassandra LO

Associate

LOS ANGELES

T 213.626.8484

E clo@rwglaw.com



Cassandra represents local governments and public agencies on labor and employment issues. Her practice involves advice and counsel to clients regarding disciplinary matters, discrimination and harassment prevention, and compliance with the Americans with Disabilities Act and other state and federal regulations. She represents clients in various stages of employment disputes, including mediation, arbitration, administrative hearings, and litigation.

PROFESSIONAL EXPERIENCE

Prior to joining Richards, Watson & Gershon in 2021, Cassandra spent the majority of her legal career as an attorney with the County of Los Angeles, Office of the County Counsel. She gained extensive experience in labor and employment matters, as well as experience in public law matters, including the Brown Act, conflicts of interest, the Public Records Act, and legislation.

NEWS

Employee's Speech Undermining Public Employer in the Course of Duties Is Not Protected

08.26.2021

PRACTICE AREAS

Labor & Employment

FOCUS AREAS

Discipline & Termination

Discrimination & Harassment

Litigation (Labor & Employment)

EDUCATION

J.D., Loyola Law School

B.A., University of California, Santa Barbara

RICHARDS WATSON GERSHON

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San Luis Obispo, California 93401
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Facsimile: 800.552.0078
e-mail : cc@rwglaw.com

September 16, 2021

VIA EMAIL: JDEVER@SGVMOSQUITO.ORG

Jared Dever
District Manager
San Gabriel Valley Mosquito and Vector Control District
1144 N. Azusa Canyon Rd.
West Covina, CA 91790

Re: *RFP for Personnel Policy Manual, San Gabriel Valley Mosquito & Vector Control District*

Dear Mr. Dever:


Thank you for the opportunity to submit information on Liebert Cassidy Whitmore's (LCW) qualifications to review and revise the San Gabriel Valley Mosquito & Vector Control District's Personnel Policy Manual. We welcome the opportunity to provide this service to the District. Enclosed, we have provided information on our firm background and qualifications as well as our approach, time requirements and a cost estimate.

Please note that LCW does not discriminate against any individual because of race, religion, sex, color, age, handicap, or national religion and that these shall not be a factor in consideration for employment, selection of training, promotion, transfer, recruitment, rates of pay, or other forms of compensation, demotion, or separation.

If we can answer any questions, please do not hesitate to contact me at (310) 981-2044 or oyee@lcwlegal.com. We look forward to assisting the San Gabriel Valley Mosquito & Vector Control District in reviewing and updating its personnel rules.

Sincerely,

LIEBERT CASSIDY WHITMORE



T. Oliver Yee

OY:ah

Re: RFP for Personnel Policy Manual, San Gabriel Valley Mosquito & Vector Control District

September 16, 2021

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1. LCW CONTACT INFORMATION

Firm Name: Liebert Cassidy Whitmore

Address: 6033 W. Century Blvd., 5th Floor, Los Angeles, CA 90045

Phone: (310) 981-2000

Website: www.lcwlegal.com

Principal Contact Name: Oliver Yee

Principal Contact Phone: (310) 981-2044

Principal Contact Email: oyee@lcwlegal.com

2. LCW QUALIFICATIONS

Liebert Cassidy Whitmore (LCW) is California's premier labor and employment law firm for public agencies. For more than 40 years, LCW has served public agencies and non-profit organizations of California in all aspects of employment law and labor relations.

Today, with over one hundred attorneys and five offices throughout California, we are fully prepared to meet your legal needs. Our clients value not only our expertise and proficiency, but also our integrity and responsiveness. As a full-service law firm, we handle all aspects of our clients' needs and provide innovative, ethical and cost-effective solutions.

Our primary mission is to provide excellent service to our clients. Preventive law is a cornerstone of our firm. We believe in assisting our clients in avoiding problems and disputes before they arise. We do this through ongoing communication, training, reviews & audits, advice, and cooperative employer-employee relations. We are also experienced in all aspects of hearings, arbitration and litigation up through jury trials, if required. We are known throughout the state for the breadth and depth of our expertise and are highly regarded by public agencies and our law firm competitors throughout the state because of our commitment to quality work and effective advocacy.

In the last fiscal year alone, we reviewed and revised the personnel policies and procedures of over 50 public agencies. We are also pioneers in creating the Liebert Library, a digital resource for public employers that includes sample forms and checklists as well as comprehensive sample personnel policies with detailed commentary on the statute/reason the policy is recommended as well as tips on how to customize the policies to your specific agency and how to best implement them. As a subscriber to the Library, the District has access to these documents.

When reviewing and revising personnel policies of Liebert Library subscribers, we always notify the subscriber if it will be in their financial best interest to use a template from the Library or update their existing policy. Part of this is dependent upon how recently the District's personnel policies were last updated.

When reviewing and revising personnel policies, our approach is generally as follows:

Re: RFP for Personnel Policy Manual, San Gabriel Valley Mosquito & Vector Control District

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1. Discussing with District staff the areas of the Personnel Policy Manual requiring substantive revision.
2. Reviewing existing personnel policies and any other needed documents (i.e. collective bargaining agreements).
3. Preparing a revised draft of the Personnel Policy Manual (within six months of contract dates). The draft will be in the format you require, such as a draft that has deletions indicated by strikeouts and new language indicated by highlights. The draft will include either annotations or a separate letter explaining major changes.
4. Meet with District staff to present, review and discuss proposed changes to the Personnel Policy Manual.
5. Revise draft of Personnel Policy Manual, if needed.
6. Submit final Personnel Policy Manual to the District.

3. PRINCIPAL STAFF PERSON(S)

We are proud of the depth of experience, varied personalities, and diversity of skills our firm offers our clients. The attorneys with whom you will work are experts in and knowledgeable about public sector agencies and non-profit corporations. We regularly work with our clients to ensure they have prompt, quality answers to their questions. We are a proactive firm and believe in assisting our clients in avoiding problems and disputes before they arise. Likewise, we strive to minimize the costs to our clients.

To perform a review and revision of the Personnel Policy Manual for the San Gabriel Valley Mosquito & Vector Control District, we propose Partner Oliver Yee and Associate Jennifer Palagi from our Los Angeles office. We invite you to interview either in-person, virtually or via telephone, at no cost. A short bio for each is below and their full resumes are included for your reference.

Oliver Yee, Partner, Los Angeles office



Specializing in compliance reviews, Oliver leads the firm's audit practice, which includes compliance reviews in areas such as:

- Personnel Rules
- Wage and Hour / Fair Labor Standards Act Audits
- Labor Agreement / MOU and Collective Bargaining Audits
- Retirement and Benefits Audits
- Health Benefit Audits, including HIPAA and the Affordable Care Act

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- Human Resources and Management Audits

Oliver regularly audits personnel rules, administrative policies, and employee handbooks. His vast experience in labor relations and litigation help him bring thoughtful and innovative review and analysis to the audit process. He is the author of LCW's Model Personnel Policies, which are a set of model personnel policies for public agencies.

In addition to his compliance practice, Oliver also represents and advises clients on a variety of labor and employment issues including labor negotiations, personnel rules and policies, the Fair Labor Standards Act, laws and regulations of public employment retirement plans, the Brown Act and Public Records Act, unfair labor practices, employee grievances, leave and disability issues, and disciplinary actions.



Jennifer Palagi, Associate, Los Angeles office

Jennifer provides clients counsel in all matters pertaining to employment and labor law with a focus on state and federal wage and hour issues. Her experience involves representing employers in a broad range of disputes involving harassment and discrimination of all types, retaliation, wage and hour claims, the Labor Code Private Attorneys General Act (PAGA) class actions, interactive process and reasonable accommodation, and wrongful termination.

Jennifer provides her clients extensive preventative services, such as advice and counsel, state and federal wage and hour audit services, and management and employee trainings. She has provided trainings on numerous employment law issues, including disability and the interactive process, the Fair Labor Standards Act, generational diversity and succession planning, leaves, harassment, discrimination and retaliation. Jennifer also counsels employers on establishing, developing and implementing effective employment policies and practices that help enhance employee relations and minimize the risk of costly lawsuits.

4. RECENT EXPERIENCE

Liebert Cassidy Whitmore has extensive experience preparing, revising and customizing personnel rules, administrative policies, and employee handbooks. Our audit services draw on LCW's legal expertise from representing employers in all aspects of labor and employment law. LCW closely monitors relevant labor and employment laws and regulations, which enables us to incorporate important developments in the law and best management practices into our analysis, recommendations, and revisions. Our audit services can provide a comprehensive audit of an employer's entire personnel rules or specific policies.

In the last fiscal year alone, we reviewed and revised the personnel rules and procedures of over 50 public agencies. As described above, Partner Oliver Yee is the firm's subject matter expert in personnel rules review. He created a comprehensive set of model personnel policies that are

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available for our premium Liebert Library subscribers. These policies include detailed commentary on the statute/reason the policy is recommended as well as tips on how to customize the policies to your specific agency and how to best implement them. For more information about this service, you can visit www.liebertlibrary.com.

Over the last five years, Oliver has led personnel policy reviews for more than 70 public sector clients. Please see a representative list below:

Client Name	Matter Name	Matter Opened	Date Closed
Citrus Heights Water District	Audit of HR Policies	3/17/2017	8/26/2020
City of Calimesa	Review of Personnel Rules	3/17/2015	12/5/2017
City of Cathedral City	Personnel Policies Audit	2/2/2017	9/19/2019
City of Escalon	Personnel Policies Review	2/6/2019	8/26/2020
City of Hawthorne	Personnel Rules Audit 2020	9/24/2020	Current
City of Hermosa Beach	Personnel Rules Audit	9/18/2017	9/19/2019
City of Moorpark	Personnel Rules Audit	9/21/2016	8/7/2018
City of Newport Beach	Personnel Policies Review	11/16/2018	8/26/2020
City of Rancho Mirage	Personnel Rules Audit 2020	9/3/2020	Current
City of Ridgecrest	Review of Personnel Policies - 2021	4/14/2021	Current
City of Santa Fe Springs	Personnel Rules Audit 2021	3/1/2021	Current
City of Santa Monica	Review of Administrative Instructions	1/27/2016	8/26/2019
City of Sierra Madre	Personnel Rules Review and Update	7/9/2020	Current
City of South Pasadena	Personnel Rules	6/6/2010	9/13/2018
City of West Covina	MOUs and Personnel Rules Audit	11/12/2019	Current
City of West Hollywood	Personnel Policies Review	2/13/2018	9/24/2020
Crescenta Valley Water District	Personnel Policies Audit	11/1/2019	8/26/2020
Greater Los Angeles County VCD	Audit of Personnel Rules	11/1/2016	10/8/2020
Inland Empire Utilities Agency	Personnel Policies Audit - 2021	1/21/2021	Current
LA Co Employee Retirement [LACERA]	Review of Employee Handbooks	2/18/2014	7/1/2020
Mojave Water Agency	Personnel Policies Audit	3/29/2018	4/2/2020
Monte Vista Water District	Review of Personnel Policies	3/1/2021	8/10/2021
San Bernardino County Transportation Authority	Personnel Policy Audit	5/3/2018	9/22/2020
Santa Clara County Housing Authority	Employee Handbook Review	8/17/2016	8/26/2019

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Trabuco Canyon Water District	Personnel Rules Audit	8/24/2017	8/28/2019
Ventura Port District	Personnel Policies Review	3/13/2019	5/31/2021
West Valley Water District	Personnel Rules Audit	2/11/2020	Current

Oliver also lead a team of attorneys who worked on a special project for Bickmore Risk Services, which provided their members with access to attorneys to assist on personnel policy review and opinions. Oliver assisted the following agencies through this program:

Client Name	Matter Opened	Date Closed
Ceres, City of	8/9/2017	8/27/2019
Corcoran, City of	8/9/2017	8/27/2019
Delano, City of	8/9/2017	8/27/2019
Dinuba, City of	8/9/2017	8/27/2019
Dos Palos, City of	8/9/2017	8/27/2019
Tulare, City of	8/10/2017	8/27/2019
Wasco, City of	8/10/2017	8/27/2019
Woodlake, City of	8/10/2017	8/27/2019
Sand City, City of	8/10/2017	8/27/2019
Sanger, City of	8/10/2017	8/27/2019
Scotts Valley, City of	8/10/2017	8/27/2019
Selma, City of	8/10/2017	8/27/2019
Shafter, City of	8/10/2017	8/27/2019
Tehachapi, City of	8/10/2017	8/27/2019
McFarland, City of	8/10/2017	8/27/2019
Patterson, City of	8/10/2017	8/27/2019
Porterville, City of	8/10/2017	8/27/2019
Reedley, City of	8/10/2017	8/27/2019
San Joaquin, City of	8/10/2017	8/27/2019
San Ramon, City of	8/10/2017	8/27/2019
Kingsburg, City of	8/9/2017	8/27/2019
Lafayette, City of	8/9/2017	8/27/2019
Laguna Hills, City of	8/9/2017	8/27/2019
Livingston, City of	8/9/2017	8/27/2019
Madera, City of	8/10/2017	8/27/2019

Re: RFP for Personnel Policy Manual, San Gabriel Valley Mosquito & Vector Control District

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Marina, City of	8/10/2017	8/27/2019
Farmersville, City of	8/9/2017	8/27/2019
Fowler, City of	8/9/2017	8/27/2019
Greenfield, City of	8/9/2017	8/27/2019
Hayward, City of	8/9/2017	8/27/2019
Hollister, City of	8/9/2017	8/27/2019
Kings City, City of	8/9/2017	8/27/2019

Jennifer Palagi has assisted Oliver in the review and revision of personnel policies for agencies across California, including numerous special districts. Her dedication to our clients is evident in her subject matter expertise, accessibility and the quality of her work product.

5. CLIENT REFERENCES

Truc Dever
General Manager
Greater Los Angeles County Vector Control District
12545 Florence Avenue, Santa Fe Springs, CA 90670
(562) 944-9656 | tdever@glacvcd.org
Services provided: Audit of personnel policies
Dates of service: 2020

Helen Tran
Human Resources and Risk Management Director
City of West Covina
1444 West Garvey Avenue, West Covina, CA 91790
(626) 939-8450 | htran@westcovina.org
Services provided: Audit of personnel policies
Dates of service: 2020-2021

Brian Pendleton
General Manager
Ventura Port District
1603 Anchors Way Drive, Ventura, CA 93001
(805) 642-8538 x103 | bpendleton@venturaharbor.com
Dates of service: 2019-2021

Betty Conti
Human Resources/Risk Administrator
Monte Vista Water District
10575 Central Avenue, Montclair, CA 91763

Re: RFP for Personnel Policy Manual, San Gabriel Valley Mosquito & Vector Control District

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(909) 624-0035 | bconti@mvwd.org

Dates of service: 2021

6. FEES, COSTS AND CHARGES

Hourly Billable Rates

Pricing offered on a time-and-materials basis would be based on our firm’s hourly billable rates:

Oliver Yee\$380
Jennifer Palagi.....\$315

Invoices will be provided to the District monthly and are payable upon receipt and due within 30 days.

Other Costs and Charges

Unlike many firms, we do not bill for secretarial time or telephone charges. Facsimile transmissions are billed at the rate of \$.25 per page for outgoing faxes only. Documents are sent electronically unless specifically requested otherwise, or when electronic transmission is not an option. Copying is charged at fifteen cents (\$.15) per page. Additional prints, postage and special deliveries (i.e. Fed-Ex, UPS, DHL, messenger service), and other hired deliveries completed at the request of the client or necessary to comply with court or other deadlines will also be billed to the client.

Our firm bills for travel time at the attorney’s hourly rate—for the time it takes to travel from the office to our client and back or the time it takes from the attorney’s residence to our client and back—whichever is less. Importantly, we do not double bill for our travel time; our travel billing is prorated by the time we spend on billable work for the agency or other clients, like phone calls and dictation.

7. INSURANCE COVERAGE

Please see more details on LCW’s commercial general liability, automobile liability and professional liability in the attached insurance coverage document.

Conclusion

A comprehensive audit of a personnel policy manual can seem like a daunting endeavor. However, regularly auditing the manual is critical and can mean the difference between liability and prevention of liability. We are prepared to offer the District experienced and knowledgeable advice on review and revision of its Personnel Policy Manual. You would be gaining an expert

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firm that knows the ins and outs of all relevant labor and employment laws as well as best practices that have worked well for other California public entities.

We welcome the opportunity to assist the San Gabriel Valley Mosquito & Vector Control District in reviewing and updating its Personnel Policy Manual. If we can answer any questions, please do not hesitate to contact Oliver Yee at (310) 981-2044 or oyee@lwlegal.com.

LCW

T. Oliver Yee

Partner

310.981.2044

oyee@lcwlegal.com



Oliver provides representation and legal counsel to Liebert Cassidy Whitmore's public agency, education, and nonprofit clients. He leads the firm's Audit Services Practice Team. In addition, Oliver's practice involves representing and advising clients on a variety of labor and employment issues including labor negotiations, personnel rules and policies, the Fair Labor Standards Act, laws and regulations of public employment retirement plans, the Brown Act and Public Records Act, unfair labor practices, employee grievances, leave and disability issues, and disciplinary actions. He regularly advises executive management, governing bodies and human resources management on complex legal issues and matters.

Oliver is an experienced labor negotiator, having represented clients as their chief negotiator in all aspects of the negotiations process, from the pre-negotiations planning phase up to and including impasse and fact-finding. Oliver has also successfully navigated through an employee strike, serving as lead counsel and chief negotiator. He has also successfully represented clients before the Public Employment Relations Board, and regularly provides advice and counsel on negotiations and labor relations strategy. In addition, Oliver regularly provides advice and counsel on retirement issues, and has successfully represented clients on appeals involving CalPERS and disability retirement determinations.

Oliver also specializes in providing audit services. He relies on his vast experience in labor relations and litigation to bring thoughtful and innovative review and analysis to the audit process. He is an author of the Liebert Model Personnel Policies, a set of model personnel policies for public agencies, and regularly audits personnel rules, administrative policies, and employee handbooks. In addition, Oliver's successful representation of clients in FLSA litigation enables him to be an effective auditor on FLSA-related issues.

Oliver has successfully represented clients in class action matters involving the FLSA, and single plaintiff litigation employment matters in both state and federal court from inception through discovery, pre-trial proceedings, and settlement or trial.

He has also successfully defended agencies in disciplinary actions, and regularly advises clients on disciplinary matters.

Oliver is a prolific and dynamic presenter in Liebert Cassidy Whitmore's training program. He regularly trains governing bodies, managers, supervisors and human resources personnel. He also frequently presents at public sector conferences on relevant labor and employment topics. Oliver relies on his extensive training experience to provide proactive and preventative advice and counsel to clients.

Professional and Community Involvement

Oliver serves as the Personnel Chapter Chair of the League of California Cities Municipal Law Handbook. He is also a member of the California Council of School Attorneys (CCSA).

Recognitions

Oliver was selected as a Southern California Super Lawyers' Rising Star in 2013-2015.

Expertise

- Internal Compliance Audit Services
- Employment Law
- Labor Relations
- Public Safety
- Retirement, Benefits, and Disability
- Litigation
- Wage and Hour
- Workplace Investigations

Education

JD, Washington University School of Law, St. Louis
MA, Washington University, St. Louis
BA, Washington University, St. Louis

Representative Matters

Litigation

Association for Los Angeles Deputy Sheriffs, et al. v. County of Los Angeles, et al. (2012) – Handled a Fair Labor Standards Act collective/class action case where the U.S. District Court granted a County law enforcement employer's summary judgment motion. The lawsuit involved the "donning and doffing" claims of approximately 3,000 deputy sheriffs in two different, yet consolidated, collective action lawsuits filed against the County and its Sheriff (collectively "the County"). The

district court also granted the County's motion to decertify the remaining "off-the-clock" work claims. The district court's rulings effectively ended two large collective/class action lawsuits after several years of litigation.

Rosales v. County of Los Angeles (2011) – This FLSA collective action sought compensation for unreported overtime and certification of a class of 700 IHSS social workers who evaluated IHSS recipients' needs and made recommendations regarding the services to be performed by IHSS providers. We successfully defeated plaintiffs' attempt to certify the class and limited the case to just one social worker. The case then settled for nuisance value.

Petersen Law Firm v. City of Los Angeles (2009 and 2013) – Represented City and individual defendants in an action in which they prevailed on an Anti-SLAPP motion in a case challenging investigation of police officers. After the matter was appealed and remanded, the trial court reconsidered the City's motion for attorney's fees and ruled that the City was entitled to recover the entire amount of attorney's fees and costs it requested.

Bentley v. County of Los Angeles, et al (2009) – In a federal lawsuit a County client defeated a motion for conditional certification of a collective action filed by a potential lead plaintiff in a Fair Labor Standards Act ("FLSA") wage and hour action.

Negotiations

City of Santa Barbara – Oliver served as chief negotiator during collective bargaining agreement negotiations with the City's public safety units.

City of West Covina – Oliver served as chief negotiator during collective bargaining agreement negotiations with the City's public safety units and miscellaneous employee units.

City of La Verne – Oliver served as chief negotiator during collective bargaining agreement negotiations with the City's public safety units.

City of Redlands – Oliver served as chief negotiator during collective bargaining agreement negotiations with the City's public safety units.

City of Whittier – Oliver served as chief negotiator during collective bargaining agreement negotiations with the City's miscellaneous employee unit.

City of Cudahy – Oliver served as chief negotiator during collective bargaining agreement negotiations with the City's miscellaneous employee unit.

City of Bell Gardens – Oliver has provided advice and counsel over the years during the City's collective bargaining agreement negotiations and in its labor relations with its employee groups.

City of Sierra Madre – Oliver has provided advice and counsel over the years during the City’s collective bargaining agreement negotiations and in its labor relations with its employee groups.

Barstow Community College District – Oliver served as chief negotiator during collective bargaining agreement negotiations with the District’s faculty and miscellaneous employee units.

The Accelerated School – Oliver served as chief negotiator during collective bargaining agreement negotiations with the School’s teacher and miscellaneous employee units.

The Oakwood School – Oliver served as chief negotiator during collective bargaining agreement negotiations with the School’s teacher unit.

Orange County Cemetery District – Oliver served as chief negotiator during collective bargaining agreement negotiations with the District’s miscellaneous employee unit.

Publications

08/24/2021

CalPERS Audits: What Should a Public Agency Expect?

California Public Agency Labor & Employment Blog

06/15/2021

Prevention, Prevention, Prevention! It’s Time to Audit Your Agency’s Personnel Rules

California Public Agency Labor & Employment Blog

06/11/2021

Wage & Hour: Key Issues for Exempt Employees

California Public Agency Labor & Employment Blog

09/15/2020

Governor Signs AB 2257 Updating AB 5 Independent Contractor Law

LCW Special Bulletin

08/06/2020

Financial Assistance for Employee Housing: Legal Considerations for California Public Agencies

Bender’s California Labor & Employment Bulletin

07/14/2020

Anticipating Legal Issues in a Post-COVID-19 Work Environment

American City & County

07/13/2020

Adapting to the “New Normal”: Lessons Learned and Best Practices for a Post-COVID 19 Workplace

American City & County

06/02/2020

How COVID-19 Could Permanently Transform Public Agency Operations: Lessons Learned

The Daily Journal

05/28/2020

Telework Transition Holds Key Lessons for Public Agencies

Law 360

04/14/2020

Employee Housing Assistance – Legal Considerations for California Public Agencies

California Lawyers Association Public Law Journal

04/14/2020

Employee Housing Assistance – Legal Considerations for California Public Agencies

California Lawyers Association Public Law Journal

12/09/2019

Navigating the Impacts of AB 5 for Public Agency Employers

The Daily Journal

08/08/2019

A General Manager’s Guide: To Bringing Out The Best In Their Boards, Commissions, and Elected Officials

California Special District's Magazine

Presentations

10/07/2021

The Rules of Engagement: Issues, Impacts & Impasse

Virtual Seminar

10/18/2021

Labor Issues: Past Practices – Changing Policies

Carlsbad | California District Attorneys Association (CDAA) Annual Conference

10/21/2021

Town Hall – Legal Eagles

Virtual | Association of Chief Human Resource Officers (ACHRO) Fall Training Institute

10/21/2021

Returning to the Campus and the Workplace: Key Considerations for Reopening Your Campus and Workplaces to Employees, Students and Members of the Public

Virtual | Association of Chief Human Resource Officers (ACHRO) Fall Training Institute

LCW

Jennifer Palagi

Associate

310.981.2000

jpalagi@lcwlegal.com



Jennifer provides representation and counsel to LCW clients in all matters pertaining to employment and labor law with a focus on state and federal wage and hour issues. Jennifer is a seasoned litigator and has experience in all phases of litigation, from the pleading stage through trial. Her experience involves representing employers in a broad range of disputes involving harassment and discrimination of all types, retaliation, wage and hour claims, the Labor Code Private Attorneys General Act (PAGA) class actions, interactive process and reasonable accommodation, and wrongful termination. Jennifer's successes include achieving summary judgment in numerous cases and defending the decisions on appeal, as well as and decertifying collective actions.

Jennifer vigorously defends her clients in state and federal court as well as administrative agencies, including the California Department of Fair Employment and Housing, the Equal Employment Opportunity Commission, the California Division of Labor Standards Enforcement, the federal Department of Labor and Cal/OSHA, among others.

Jennifer is passionate about all aspects of labor and employment law. In addition to litigation, she provides her clients with extensive preventative services, such as advice and counsel, state and federal wage and hour audit services, and management and employee trainings. Jennifer has provided trainings on numerous employment law issues, including disability and the interactive process, the Fair Labor Standards Act, generational diversity and succession planning, leaves, harassment, discrimination and retaliation. Jennifer also counsels employers on establishing, developing and implementing effective employment policies and practices that help enhance employee relations and minimize the risk of costly lawsuits.

Recognitions

Jennifer was selected as a Southern California *Super Lawyers*' Rising Star in 2010.

Expertise

- Employment Law
- Litigation
- Public Safety
- Retirement, Benefits, and Disability
- Wage and Hour

Education

JD, University of San Diego School of Law
BS, Rutgers University

Representative Matters

Administrative Hearings

Deputy Sheriff v. Sheriff's Department (2017) – Deputy Sheriff was terminated based on findings that he did not have the authorization to order and purchase firearms on behalf of certain deputies, utilize the Department logo to create firearm purchase forms and made false statements during the criminal and internal affairs investigations. The Deputy claimed it was reasonable for him to fill out the sham purchase forms for the deputies since they expressed interest or affirmatively told him they wanted to order the guns. The Civil Service Commission and eventually the trial court rejected the former Deputy's arguments and upheld the termination.

Employee v. Water District (2017) – The Hearing Officer found that the District's discipline was appropriate in light of the credible evidence presented by the District at the hearing regarding the supervisor's repeated and intolerable outbursts with other employees, and further found the employee's testimony was not credible. The Board eventually upheld the suspension.

Deputy Sheriff v. Sheriff's Department (2015) – Successfully prosecuted the termination of a deputy sheriff who engaged in off-duty conduct with a civilian that violated the Department's Rules of Professional Conduct and several Department Policies. The former deputy claimed that he was acting in self-defense when he pulled a gun on a civilian. The Deputy Civil Service Commission rejected the former Deputy's arguments and upheld the termination.

Litigation

Association for Los Angeles Deputy Sheriffs, et al. v. County of Los Angeles (2018) – A Sergeant employed by the Los Angeles County Sheriff's Department worked as a correctional officer. After a Department administrative investigation into an inmates complaint, and subsequent criminal investigation, the District Attorney's Office brought criminal misdemeanor charges against the Sergeant alleging cruel punishment or impairing the health of an inmate. The Department issued the Sergeant notice of its intent to suspend him without pay (consistent with applicable

civil service rules), and notified him of his right to respond to the charges. The Department ultimately imposed the suspension and notified the Sergeant of its decision and his right to request a post-suspension hearing to challenge the decision. The Sergeant requested and was granted a hearing, but requested that the hearing be held in abeyance until the conclusion of the criminal case.

The Sergeant then filed a petition in state court claiming that the Department violated his due process rights when it failed to provide him with an evidentiary hearing prior to suspending him. The Department asserted that its pre-suspension *Skelly* meeting provided the Sergeant with sufficient process and he was not entitled to an evidentiary hearing prior to being suspended. The trial and appellate courts agreed with the Department.

Heath v. City of Desert Hot Springs, et al (2013) – Plaintiff, a police officer, brought suit to recover for alleged retaliation arising from her reporting of alleged excessive use of force by fellow police officers. The United States Central District Court granted defendants’ motion to dismiss in its entirety, with prejudice as to the first two claims – the 42 U.S.C. § 1983/First Amendment free speech claims – and without prejudice as to five remaining state court claims.

Association for Los Angeles Deputy Sheriffs, et al. v. County of Los Angeles, et al. (2012) – Handled a Fair Labor Standards Act collective/class action case where the U.S. District Court granted a County law enforcement employer’s summary judgment motion. The lawsuit involved the “donning and doffing” claims of approximately 3,000 deputy sheriffs in two different, yet consolidated, collective action lawsuits filed against the County and its Sheriff (collectively “the County”). The district court also granted the County’s motion to decertify the remaining “off-the-clock” work claims. The district court’s rulings effectively ended two large collective/class action lawsuits after several years of litigation.

Publications

08/17/2021

Your Employee Is On-Call, But Is Your Employee “Working”?

California Public Agency Labor & Employment Blog

01/29/2021

Recent California Supreme Court Decision in the Independent Contractor Classification Saga Holds that Dynamex Applies Retroactively

LCW Special Bulletin

07/08/2020

The Department Of Labor Issues Final Rule Regarding Joint Employer Status Under The FLSA

LCW Special Bulletin

06/23/2020

FFCRA Forces Public Agencies to Comply with FLSA 'Regular Rate of Pay' Calculations

The Daily Journal

06/04/2020

Virus Leave Poses Pay Calculation Issues For Public Agencies

Law 360



CERTIFICATE OF LIABILITY INSURANCE

OP ID: YC

DATE (MM/DD/YYYY)

03/31/2021

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 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 Narver Associates Ins Agcy P.O. Box 1509 San Gabriel, CA 91778-1509 WESLEY HAMPTON HOUSE		CONTACT NAME: June Samarin PHONE (A/C, No, Ext): 626-943-2237 FAX (A/C, No): 686-299-1010 E-MAIL ADDRESS: jsamarin@narver.com PRODUCER CUSTOMER ID #: LIEBE-1															
INSURED Liebert Cassidy Whitmore 6033 W. Century Blvd. 5th Flr Los Angeles, CA 90045		<table border="1"> <thead> <tr> <th>INSURER(S) AFFORDING COVERAGE</th> <th>NAIC #</th> </tr> </thead> <tbody> <tr> <td>INSURER A : Sentinel Insurance Company</td> <td>11000</td> </tr> <tr> <td>INSURER B : Federal Insurance Company</td> <td>20281</td> </tr> <tr> <td>INSURER C : Aspen Specialty Insurance</td> <td>10717</td> </tr> <tr> <td>INSURER D : Lloyd of London</td> <td>15792</td> </tr> <tr> <td>INSURER E :</td> <td></td> </tr> <tr> <td>INSURER F :</td> <td></td> </tr> </tbody> </table>		INSURER(S) AFFORDING COVERAGE	NAIC #	INSURER A : Sentinel Insurance Company	11000	INSURER B : Federal Insurance Company	20281	INSURER C : Aspen Specialty Insurance	10717	INSURER D : Lloyd of London	15792	INSURER E :		INSURER F :	
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INSURER C : Aspen Specialty Insurance	10717																
INSURER D : Lloyd of London	15792																
INSURER E :																	
INSURER F :																	

COVERAGES**CERTIFICATE NUMBER:****REVISION NUMBER:**

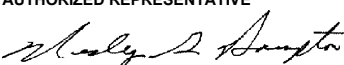
THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE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

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	<input checked="" type="checkbox"/> GENERAL LIABILITY			72SBAAK0318	12/14/2020	12/14/2021	EACH OCCURRENCE	\$ 2,000,000
	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY						DAMAGE TO RENTED PREMISES (Ea occurrence)	\$ 1,000,000
	<input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR						MED EXP (Any one person)	\$ 10,000
							PERSONAL & ADV INJURY	\$ 2,000,000
							GENERAL AGGREGATE	\$ 4,000,000
	GEN'L AGGREGATE LIMIT APPLIES PER:						PRODUCTS - COMP/OP AGG	\$ 4,000,000
	<input type="checkbox"/> POLICY <input checked="" type="checkbox"/> PROJECT <input type="checkbox"/> LOC							\$
A	<input checked="" type="checkbox"/> AUTOMOBILE LIABILITY			72SBAAK0318	12/14/2020	12/14/2021	COMBINED SINGLE LIMIT (Ea accident)	\$ 2,000,000
	<input type="checkbox"/> ANY AUTO						BODILY INJURY (Per person)	\$
	<input type="checkbox"/> ALL OWNED AUTOS						BODILY INJURY (Per accident)	\$
	<input type="checkbox"/> SCHEDULED AUTOS						PROPERTY DAMAGE (PER ACCIDENT)	\$
A	<input checked="" type="checkbox"/> HIRED AUTOS			72SBAAK0318	12/14/2020	12/14/2021		\$
A	<input checked="" type="checkbox"/> NON-OWNED AUTOS			72SBAAK0318	12/14/2020	12/14/2021		\$
								\$
A	<input checked="" type="checkbox"/> UMBRELLA LIAB	<input checked="" type="checkbox"/> OCCUR		72SBAAK0318	12/14/2020	12/14/2021	EACH OCCURRENCE	\$ 4,000,000
	<input type="checkbox"/> EXCESS LIAB	<input type="checkbox"/> CLAIMS-MADE					AGGREGATE	\$ 4,000,000
	<input type="checkbox"/> DEDUCTIBLE							\$
	<input checked="" type="checkbox"/> RETENTION \$ 10,000							\$
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY			7175-05-95	04/01/2021	04/01/2022	<input checked="" type="checkbox"/> WC STATUTORY LIMITS	OTHER
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)	<input type="checkbox"/> Y / N	N / A				E.L. EACH ACCIDENT	\$ 1,000,000
	If yes, describe under DESCRIPTION OF OPERATIONS below						E.L. DISEASE - EA EMPLOYEE	\$ 1,000,000
							E.L. DISEASE - POLICY LIMIT	\$ 1,000,000
C	Professional Liab.			LRA9AF820 & XPL409238	12/10/2020	12/10/2021	Per Claim	5,000,000
D	Cyber Liability			1127679	12/06/2020	12/06/2021	Aggregate	3,000,000

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

Sentinel Insurance - AM Best Rating A+
 Federal Insurance - AM Best Rating A++
 Aspen Specialty Insurance - AM Best Rating A
 Lloyds of London - AM Best Rating A

CERTIFICATE HOLDER**CANCELLATION**

PROOF OF COVERAGE ONLY PROOF-3	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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REGIONAL
GOVERNMENT
SERVICES

SERVING PUBLIC AGENCIES SINCE 2002

September 24, 2021

Jared Dever, District Manager
San Gabriel Valley Mosquito and Vector Control District
1144 N. Azusa Canyon Road
West Covina, CA 91790

**RE: STATEMENT OF QUALIFICATIONS TO SGVMVCD TO UPDATE DISTRICT'S
PERSONNEL AND SALARY RESOLUTION 92-11**

Dear Mr. Dever:

Regional Government Services Authority (RGS) is pleased to submit this proposal to the San Gabriel Valley Mosquito and Vector Control District (District) in response to the Request for Proposals to update the District's Personnel and Salary Resolution 92-11.

RGS is a unique, fee-supported, joint powers authority specializing in public-sector administration and consulting services. RGS exclusively serves public agencies and employs experienced public-sector professionals to assist our partner agencies. Since 2002, RGS has served over 298 public agencies.

I am confident that you will find RGS's approach is responsive to each of the District's objectives and needs. The plan provides for tools and support to meet or exceed the District's scope of services. RGS has a respected reputation with the public agencies we serve with timely, cost-efficient delivery and effective implementation. As a public agency, we fully understand the needs and requirements of public agencies. This proposal will remain valid for a 60-day period from the date this proposal is open.

The RGS team appreciates the opportunity to be of service to the District.

Sincerely,

A handwritten signature in black ink that reads 'Bobbi Bennett'.

Bobbi Bennett
Human Resources Services Director
REGIONAL GOVERNMENT SERVICES

RGS CONTACT INFORMATION

Bobbi Bennett
Human Resources Services Director
Regional Government Services
PO Box 1350
Carmel Valley, CA 93924
bbennett@rgs.ca.gov
650-587-7303

STATEMENT OF QUALIFICATIONS

Regional Government Services (RGS) was formed in 2001, by a city and a regional planning and services agency to help local governments meet three challenges: decreasing revenues, increasing demands (and costs) for services, and loss of experienced staff. Government leaders knew that these challenges were likely to continue, so agencies would have to work together – uniting not only their voices but their resources to advocate and become more efficient. The idea behind the creation of RGS was to form an agency which would help local governments share expertise and improve efficiencies. A need was emerging for some way to help agencies get the expertise and experience needed, without each agency having to hire full-time staff when the need might be less than full-time. Agencies could, in effect, share expertise through a third party.

Today, RGS is a solvent organization governed by several member agencies, all with the common goal expressed in the JPA's mission statement: To provide quality, innovative, cost-effective services exclusively to public agencies. RGS has now served over 298 cities, special districts, joint powers authorities, and other local governments and non-profits that support local governments. RGS currently has 140 professional Advisors and 14 RGS Administrative staff.

RGS developed a highly flexible platform of administrative support and programs that could serve the diverse needs of cities, special districts, counties, and other joint powers authorities. Flexibility was vital because the needs of partner agencies varied and because RGS services were 100 percent fee based. Thus, RGS costs needed to be able to ramp up or down quickly, as demand changed.

The highest value RGS can bring is to share our experience with our clients, constantly refining Best Practices to provide quality expertise to the benefit of all our partner clients. The RGS staff prides itself on its ability to deliver accurate, professional products and services within reasonable timelines. We meet deadlines and provide clear, honest, and effective communications, all of which help to promote good relations with stakeholders at all phases of a project.

Since 2015, RGS advisor teams have completed multiple personnel policies resolutions or manuals for agencies throughout the State of California, including special districts, municipalities, county organizations, and joint powers authorities. This has involved drafting a single policy for an agency to a review and update of all policies. All recommended policies adhere to state and federal requirements while RGS takes a holistic approach to an agency's policies since each agency is unique in its work culture, services, and community.

RGS has been providing formal and inform trainings to public agencies on various topics, including policy changes, interpretation, and implementation. Trainings for an agency are customized to their specific needs.

RGS is a virtual government agency and has developed a unique network of geographically distributed Advisors who work both onsite at partner agency offices, and through various remote access technologies to deliver services to partner agencies, reducing overhead and expanding our ability to provide high-quality services throughout the state.

RGS PRINICIPAL STAFF

The team we have assembled to assist the District has outstanding relevant experiences, talents, and accomplishments in a range of public-sector operations. The primary project staff resourced for this team are available and prepared to begin immediately, will be available to the extent proposed for the duration of the contract, and have extensive experience in human resources policy development. RGS does not utilize sub-consultants. The primary project team assigned to the District to deliver services will consist of:

- Bobbi Bennett, Human Resources Services Director
- Susanne St. Clair, Project Advisor
- Annie Kavanagh, Advisor

Summary resumes for the identified key RGS project team may be found in **Appendix A**. In addition, RGS may add other available and qualified Advisors to the team at the Director's discretion as project requirements and priorities require.

SCOPE OF SERVICE

Organizational policies are living documents. Because personnel policies address employee issues which includes multiple elements, existing relevant policies may be codified in several different organizational policy documents. Therefore, RGS proposes a process which results in a single comprehensive set of policy documents. This is critical to ensuring that all policies work effectively together, and that all key issues are addressed.

The revision of personnel policies is a joint project with RGS and District staff since each will have a role in ensuring the policies are not only legally complainant but also align with District processes. The following activities are anticipated to provide the key deliverable of a currently compliant and administratively feasible set of personnel policy documents.

TASK 1. Kick-off meeting with District key staff. A deliverable from this meeting will be a project timeline with identified dates and benchmarks.

TASK 2. Collect and review all existing personnel related policy documents.

- TASK 3. Provide a recommended set of draft comprehensive personnel policies to ensure transparency and ease of administration. Provide recommendations regarding existing policies or practices which should be eliminated entirely.
- TASK 4. Identify what supplemental documents and forms should be created and/or retained and referenced for correct administration.
- TASK 5. Based on District feedback, finalize the personnel policies.
- TASK 6. Provide a written report on the policy review process, methodology, overall findings, and key recommendations.
- TASK 6. Provide a summary of key policy changes that can be used as reference by supervisors and management staff and provide a video conference training on same.

Throughout the project, the RGS Director and Advisors will be available for phone and e-mail consultation, and video conference/phone meetings.

RGS EXPERIENCE AND REFERENCES

On a regular basis, RGS Advisors work with agencies to assist them in interpreting and applying their HR policies. Additionally, there have been significant legal updates that affect how state and federal laws are applied. To ensure RGS Advisors keep current with legal requirements and trends in public agencies, Advisors receive multiple legal updates, and attend legal update seminars. Since RGS works as a team, Advisors collaborate to fully understand how legal changes impact the various public agencies we work with and advise agencies accordingly.

RGS teams regularly provide services that go beyond contract requirements and partner agency expectations. The intent is not to only address the services identified in the contract, but to take a holistic approach to ensure our partner agencies have considered all avenues, risks, and implementation options. RGS always strives to provide exceptional service without exceeding the contract's financial constraints.

RGS is currently working with various public agencies to update their policy manuals. These public agencies include air quality control districts, a city, and a cemetery district to name a few. These projects are at various stages of completion. For references of completed projects, some of the agencies RGS has completed their updated personnel policies are:

Alameda County Mosquito Abatement District

Ryan Clausnitzer, General Manager

510-783-7744

ryan@mosquitoes.org

2317 Connecticut Street

Hayward, CA 94545

The first time RGS reviewed and updated the District's human resources policies was in 2017. RGS has just completed a review of the policies and updated policies as needed to align with current state and federal laws. RGS has a contract for as needed human resources services and RGS assist the District in the interpretation and application of policies.

Elk Grove Water District

Stefani Phillips, Human Resources Administrator

916-685-3556

stefabu@egwd.org

9257 Elk Grove Blvd

Elk Grove, CA 95624

In 2019, the District's had last update their personnel policies in 2014 and there were conflicting policies between various Resolutions, Board of Director policies, and personnel policies. RGS worked with the District to update the policies by working with District staff, District counsel, and the Board committee. The project was completed in 2020.

Turlock Mosquito Abatement District

David Heft, General Manager

209-634-1234

dheft@turlockmosquito.com

4412 N. Washington Road

Turlock, CA 95380

In 2018, RGS updated the District's personnel policies, many which were last updated between 2010 – 2014. Due to the age of the policy manual, there were additional human resources policies RGS recommended be added due to changes in the law.

Solano County Water Agency

Sandra Willingmyre, Account II

707-455-1101

Mobile: 707-317-3525

sandra@swca2.com

810 Vaca Valley Parkway, Suite 203

Vacaville, CA 95688

The Agency had RGS review and update their Employee Handbook in 2018. Since RGS currently provides as need human resources support to the Agency, RGS has continued to drafted new policies to address specific needs of the Agency and provides assistance in the interpretation and application of the policies.

COST PROPOSAL

At RGS, we bill only actual hours attributable to the project at the actual Advisor or technician rate. Work will commence upon notification by the District of the project award. Work is performed as agreed and subsequently billed each month based on actual hours worked. RGS Advisors are skilled at prioritizing projects and working within the budget of partner agencies. Mileage, if applicable, will be calculated/invoiced using the current IRS rate.

The total project for the compensation study would not exceed \$23,000.

The hourly rate for work performed will be billed at the following hourly rates based on the Advisor(s) assigned to the project.

Title	Hourly Rate
Chief Operating Officer	\$135 to \$220
Deputy Chief Operating Officer	\$130 to \$195
Senior/Lead Advisor	\$125 to \$190
Advisor	\$115 to \$160
Project Advisor	\$105 to \$125
Project Coordinator	\$85 to \$125
Technical Specialist	\$85 to \$120

RGS INSURANCE

Regional Government Services Authority (RGS) is a non-profit, municipal Joint Powers Authority, organized by California Government Code 6500 and as such, should be exempt from the Business License requirement.

RGS confirms that it maintains insurance as required. As a public agency, pursuant to California Government Code Section 990, RGS uses a combination of self-insurance and self-insured joint powers insurance agency coverage to satisfy the insurance requirements. Attached hereto, in **Appendix B**, is a sample certificate of insurance and RGS will provide a fully compliant certificate to the District, upon execution of the Agreement.

NON-DISCRIMINATION POLICY

RGS is committed to equal opportunity in employment and services. RGS, its employees, contractors, and agents shall not discriminate or harass with respect to service provision, program operation, or in the recruitment, selection, testing, training, transfer, promotion, demotion, termination, performance appraisal process, compensation, or in any other term, condition, or privilege of employment because of the individual's actual or perceived:

- Race, including traits historically including, but not limited to, hair texture and protective hairstyles
- Color
- Religion including religious dress and grooming practices
- Gender
- National origin
- Ancestry
- Citizenship status
- Age
- Marital status
- Physical or mental disability
- Medical condition
- Genetic information
- Sexual orientation
- Gender expression
- Gender identity
- Breast-feeding status
- Military or veteran's status
- Undocumented immigrant status
- Accommodation requests
- Engagement in protected activities,
- Affordable Care Act benefits,

or any other basis protected by law, or on the basis of a perception that an individual is associated with a person who has, or is perceived to have, any of these characteristics. Harassment based on any of the protected categories listed above is also prohibited.

Appendix A – Resumes

Appendix B – Sample Certificate of Insurance

APPENDICES

APPENDIX A – RESUMES



Bobbi Bennett, M.A., PHR, IPMA-CP **Human Resources Services Director**

Since 2000, Ms. Bennett has worked in both city and county government, specifically in human resources. During her career, she has overseen centralized full service Human Resources departments that addressed recruitments, classification and compensation, benefits, worker's compensation, performance management, discipline, employee relations, labor relations, labor negotiations, and training. Ms. Bennett's key skill is assisting all levels of an organization evaluate and address complex employee and organizational matters to facilitate effective resolutions.

PROFESSIONAL EXPERIENCE

REGIONAL GOVERNMENT SERVICES, JPA, HUMAN RESOURCES SERVICES DIRECTOR

- Leads the human resources services teams in providing expert human resource consulting services to small municipalities, special districts, and government entities on leave and disability management, performance management, policy development, staffing, classification and compensation, employee relations, strategic planning, payroll and FLSA compliance, and a broad range of other human resource topics and services.

COUNTY OF ELDORADO, HUMAN RESOURCES DEPARTMENT, HUMAN RESOURCES MANAGER

Approximately 1900 employees. Oversaw and managed daily operations of all areas of Human Resources.

CITY OF POWAY, ADMINISTRATIVE SERVICES DEPARTMENT, HUMAN RESOURCES MANAGER

Approximately 360 employees. Oversaw and managed daily operations of all areas of Human Resources, investigations and served as a trainer.

CITY OF CHULA VISTA, HUMAN RESOURCES DEPARTMENT, SENIOR HUMAN RESOURCES ANALYST

Approximately 1600 employees. As a Senior Human Resources Analyst, handled politically sensitive requirements, classification reviews, salary surveys in preparation for negotiations, served as scribe on the management negotiation team, monitored criminal background checks, and served as a trainer. Performed discipline investigations. Served as chair of City's PRIDE and Work program.

CITY OF CHULA VISTA, HUMAN RESOURCES DEPARTMENT, HUMAN RESOURCES ANALYST

Official job title changed from Citywide Volunteer Coordinator since the majority of the position included human resources tasks and assignments. Ms. Bennett handled more complex recruitments, salary surveys and classification reviews. Monitored criminal background checks and served as a trainer on various topics. Served as chair of the City's PRIDE and Work program.

CITY OF CHULA VISTA, HUMAN RESOURCES DEPARTMENT, CITYWIDE VOLUNTEER COORDINATOR

Volunteer program and Human Resources responsibilities included, but were not limited to: recruitments, on-boarding, salary surveys and training development. Monitored criminal background checks.

NATIONAL CONFLICT RESOLUTION CENTER, MEDIATOR

Volunteer mediator on various court mandated mediations and voluntary mediations.

EDUCATION

MA, Counseling Psychology, National University
MA, Home Economics, San Diego State University

CERTIFICATIONS

- Professional in Human Resources (PHR), 1998
- IPMA Professional certification, 2008
- IPMA Certification Trainer, 2009 – Current
- CalPelra Labor Academies
- IPMA National Committee to revise IPMA Certification training presentation, 2009
- Certified Mediator, 2005
- Certificate in Internal Investigations, 2006

MEMBERSHIPS

- IPMA, local chapter and national
- CalPELRA
- MMANC
- SHRM
- CCPA (County and Cities Personnel Association), San Diego. Past chairperson



Susanne St. Clair

Project Advisor

Ms. St. Clair joined Regional Government Services (RGS) as an Advisor in the Human Resources service group in 2015. During her tenure with RGS, she has provided a variety of Human Resources management services in partner agencies.

Prior to joining RGS, Ms. St. Clair had over thirty-four years of experience in Human Resources management and consulting. She has knowledge and experience in the following areas:

- Classification
- Compensation
- Human Resources Operations and Management
- Labor Relations
- Policies and Procedures
- Recruitment and Selection
- Training and Development

Ms. St. Clair holds a Juris Doctorate and a bachelor's degree in psychology.

PROFESSIONAL EXPERIENCE

REGIONAL GOVERNMENT SERVICES

Human Resources Advisor

As an Advisor, Ms. St. Clair has served RGS partner agencies by conducting classification and compensation studies and an HR audit as well as creating and revising personnel rules and policies and job descriptions. She has also conducted public outreach.

ST. CLAIR HR CONSULTING

President

As a consultant, Ms. St. Clair provides a wide range of Human Resources services to non-profit organizations, and small businesses such as recruitment, HR assessments, employee handbooks, training, and compensation studies.

DELTA HEALTH CARE

Human Resource Director

Ms. St. Clair designed and implemented the agency's first Human Resources Department. Her responsibilities included staffing and recruitment, training and development, salary administration, as well as safety and facilities management for several sites.

KMART APPAREL

Human Resources Director

As a Human Resources Generalist, Ms. St. Clair managed the Human Resources Department for a distribution center employing 450 union and non-union employees. With an HR staff, she was responsible for recruitment and staffing, labor relations, health and safety, and employee relations.



Annie Kavanagh

Advisor

Ms. Kavanagh joined Regional Government Services (RGS) as an Advisor in the Human Resources service group in 2011. As an Advisor, she has been assigned to work on a broad range of human resource assignments in over twenty-five partner agencies including municipalities and special districts. Her services have focused on core HR functions such as classification and compensation, benefits, policy development, training, and recruitment. Ms. Kavanagh is a master coach specializing in performance management, leadership, and communication.

Prior to joining RGS, Ms. Kavanagh had over twenty-eight years of experience as a human resources director and consultant in both private and public sector organizations. As a generalist, she managed all aspects of Human Resources – classification and compensation, benefits, performance management, organizational development, training and coaching, and risk management.

Ms. Kavanagh has a bachelor's degree in Therapeutic Recreation. She has earned the following certificates: Senior Professional of Human Resources, Human Resources Management, LEED Associate in Green Building, and Corporate Sustainability Manager.

PROFESSIONAL EXPERIENCE

REGIONAL GOVERNMENT SERVICES

Human Resources Advisor

As an Advisor, Ms. Kavanagh has provided human resources services such as:

- Classification and compensation studies
- Recruitment and selection
- Policies and procedures
- Guidance on disciplinary actions and documentation
- Coaching on performance management and leadership
- Organization development
- Training and coaching.

COMPANALYSIS, FOX LAWSON & ASSOCIATES

Compensation Consultant

As a consultant for two national compensation firms, Ms. Kavanagh wrote job descriptions and performed classification and compensation studies for agencies such as the Golden Gate National Parks Conservancy and the City of Tulsa, Oklahoma.

CONSOLIDATED TRIBAL HEALTH PROJECT

Human Resources Director

Ms. Kavanagh was responsible for managing all aspects of Human Resources for a Native American health clinic based on public land and subject to state and federal employment law.

O'REILLY & ASSOCIATES

Human Resources Director

Ms. Kavanagh was responsible for creating and maintaining a multi-state human resources department including:

- Implemented a comprehensive compensation plan and performance appraisal system.
- Reviewed and implemented changes in all insurance benefits based on cost effectiveness and services provided; established a new 401K plan.
- Investigated cases involving substance abuse at work, alleged sexual harassment, and other employee issues.
- Developed systems to monitor labor costs and department staffing.
- Implemented multi-user human resources software program to provide efficient and accurate reporting.
- Managed the human resources aspects of a major organizational and restructuring plan.

COMPUTERWARE

Human Resources Director

Ms. Kavanagh was responsible for creating and maintaining a human resources department including:

- Provided vision and leadership to develop company policies.
- Wrote employee handbook and coached managers in implementing policies.
- Developed employee evaluations and trained managers in performance management.
- Implemented and administered a comprehensive compensation plan.
- Revised benefit plans to cut costs and provide effective benefits.
- Instituted comprehensive trainings, including implementation of an Injury and Illness Program.
- Trained managers and employees in leadership, project management, and conflict resolution skills.
- Developed an internal employee assistance program.
- Maintained cultural values during frequent organizational transitions and three layoffs.

**APPENDIX B – SAMPLE CERTIFICATE
OF INSURANCE**



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
9/17/2020

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 License # 0C36861
Newport Beach-Alliant Insurance Services, Inc.
1301 Dove St Ste 200
Newport Beach, CA 92660
CONTACT NAME: Anne Krueger
PHONE (A/C, No, Ext): (949) 260-5087
E-MAIL ADDRESS: AKrueger@alliant.com
INSURER(S) AFFORDING COVERAGE
INSURER A : Great American E & S Insurance Company NAIC # 37532

INSURED
REGIONAL GOVERNMENT SERVICES AUTHORITY
PO BOX 1350
CARMEL VALLEY, CA 93924

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. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

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, Workers Compensation, and Public Officials E&O.

INFORMATION ONLY

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
Additional Insured endorsement attached. Policy form does not contain a General Liability Aggregate. Notice of cancellation will be delivered only to the participating named insured as stated in Item 1 of the Participation Endorsement. Subject to policy terms, conditions and exclusions.

AS RESPECTS SERVICE AGREEMENT. SAMPLE AGENCY, ITS OFFICERS, EMPLOYEES, AGENTS AND VOLUNTEERS ARE NAMED AS ADDITIONAL INSURED FOR GENERAL LIABILITY AND AUTO LIABILITY ONLY.

INFORMATION ONLY

SEE ATTACHED ACORD 101

CERTIFICATE HOLDER CANCELLATION
FOR INFORMATION ONLY
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
[Signature]



ADDITIONAL REMARKS SCHEDULE

AGENCY Newport Beach-Alliant Insurance Services, Inc.		License # 0C36861	NAMED INSURED REGIONAL GOVERNMENT SERVICES AUTHORITY PO BOX 1350 CARMEL VALLEY, CA 93924
POLICY NUMBER SEE PAGE 1			
CARRIER SEE PAGE 1	NAIC CODE SEE P 1	EFFECTIVE DATE: SEE PAGE 1	

ADDITIONAL REMARKS

THIS ADDITIONAL REMARKS FORM IS A SCHEDULE TO ACORD FORM,
FORM NUMBER: ACORD 25 FORM TITLE: Certificate of Liability Insurance

Description of Operations/Locations/Vehicles:

The Company may cancel the coverage by mailing to the first Participating Named Insured at the address shown in the participation endorsement written notice stating when, not less than sixty (60) days thereafter, such cancellation shall be effective. Provided that the Participating Named Insured fails to discharge, when due, any of its obligations in connection with the payment of premium for the policy or any installment thereof, the coverage may be canceled by the Company by mailing to the Participating Named Insured at the address shown in the participation endorsement, written notice stating when, not less than ten (10) days thereafter, such cancellation shall be effective.

INFORMATION ONLY

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

Additional Insured - Designated Person or Organization

This endorsement modifies insurance provided under the following:

SPECIAL LIABILITY POLICY FOR PUBLIC ENTITIES AND NON-PROFIT CORPORATIONS

Name of Person or Organization:

Any person or entity that the "Named Insured" has entered into a written agreement, prior to a loss, to provide defense, indemnity or additional insured protection.

INFORMATION ONLY

The following is added to Section **V. PERSONS OR ENTITIES INSURED:**

Any person(s) or organization(s) listed in the Schedule above is an Additional Insured, but only as respects "Personal Injury" (including "Bodily Injury") and "Property Damage" arising, in whole or in part, out of the operations of the Named Insured. The inclusion of such Additional Insured shall not serve to increase the "Company's" Limit of Liability as specified in the participation endorsement of this Policy:

However, additional insured coverage provided by this insurance will not be broader than coverage required in the written agreement.

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

Primary and Non-Contributory Coverage Endorsement

This endorsement modifies insurance provided under the following:

SPECIAL LIABILITY POLICY FOR PUBLIC ENTITIES AND NON-PROFIT CORPORATIONS

The following is added to Section **VIII. COMMON POLICY CONDITIONS**:

If insurance similar to this insurance is held by a person or organization that is an additional insured on this policy, this insurance is primary to that other insurance. The "Company" shall not seek contribution from that other insurance for amounts payable under this insurance for liability arising out of the "Participating Named Insured's" ongoing operations performed for that person or organization under a written agreement.

However, the provisions of this endorsement do not apply to a person or organization unless the "Participating Named Insured" had a written agreement with that person or organization requiring:

- a. This insurance be primary insurance;
- b. They be an additional insured on this Policy; and
- c. The written agreement was entered into prior to the date the "Participating Named Insured's" operations for that person or organization commenced.

INFORMATION ONLY



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
9/17/2020

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 Alliant Insurance Services, Inc. 1301 Dove St Ste 200 Newport Beach CA 92660	CONTACT NAME: Kristen DesCombes PHONE (A/C, No, Ext): 949-433-7652 FAX (A/C, No): 949-756-2713 E-MAIL ADDRESS: Kristen.DesCombes@alliant.com														
INSURED Regional Government Services Authority PO Box 1350 Carmel Valley CA 93924	<table border="1"> <tr> <th>INSURER(S) AFFORDING COVERAGE</th> <th>NAIC #</th> </tr> <tr> <td>INSURER A : State Compensation Ins. Fund</td> <td></td> </tr> <tr> <td>INSURER B :</td> <td></td> </tr> <tr> <td>INSURER C :</td> <td></td> </tr> <tr> <td>INSURER D :</td> <td></td> </tr> <tr> <td>INSURER E :</td> <td></td> </tr> <tr> <td>INSURER F :</td> <td></td> </tr> </table>	INSURER(S) AFFORDING COVERAGE	NAIC #	INSURER A : State Compensation Ins. Fund		INSURER B :		INSURER C :		INSURER D :		INSURER E :		INSURER F :	
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INSURER C :															
INSURER D :															
INSURER E :															
INSURER F :															

License#: 0C36861
REGIGOV-02


COVERAGES **CERTIFICATE NUMBER:** 1881464177 **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. 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
	COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:						EACH OCCURRENCE \$ DAMAGE TO RENTED PREMISES (Ea occurrence) \$ MED EXP (Any one person) \$ PERSONAL & ADV INJURY \$ GENERAL AGGREGATE \$ PRODUCTS - COMP/OP AGG \$ \$
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS NON-OWNED AUTOS ONLY <input type="checkbox"/> HIRED AUTOS ONLY						COMBINED SINGLE LIMIT (a accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
	<input type="checkbox"/> UMBRELLA LIAB <input type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED RETENTION \$						EACH OCCURRENCE \$ AGGREGATE \$ \$
A	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	927923220	7/1/2020	7/1/2021	<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

INFORMATION ONLY

INFORMATION ONLY

CERTIFICATE HOLDER <p style="text-align: center;">FOR INFORMATION ONLY</p>	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 
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ENDORSEMENT AGREEMENT
WAIVER OF SUBROGATION
BLANKET BASIS

BROKER COPY

REP 06
9279232-20
NEW
NA

HOME OFFICE
SAN FRANCISCO

EFFECTIVE
AND

INFORMATION ONLY

PAGE 1 OF 1

ALL EFFECTIVE DATES ARE
AT 12:01 AM PACIFIC
STANDARD TIME OR THE
TIME INDICATED AT
PACIFIC STANDARD TIME

REGIONAL GOVERNMENT SERVICES AUTHO
PO BOX 1350
CARMEL VALLEY, CA 93924

WE HAVE THE RIGHT TO RECOVER OUR PAYMENTS FROM ANYONE
LIABLE FOR AN INJURY COVERED BY THIS POLICY. WE WILL
NOT ENFORCE OUR RIGHT AGAINST THE PERSON OR
ORGANIZATION NAMED IN THE SCHEDULE.

THIS AGREEMENT APPLIES ONLY TO THE EXTENT THAT YOU
PERFORM WORK UNDER A WRITTEN CONTRACT THAT REQUIRES YOU
TO OBTAIN THIS AGREEMENT FROM US.

THE ADDITIONAL PREMIUM FOR THIS ENDORSEMENT SHALL BE
2.00% OF THE TOTAL POLICY PREMIUM.

SCHEDULE

<u>PERSON OR ORGANIZATION</u>	<u>JOB DESCRIPTION</u>
ANY PERSON OR ORGANIZATION FOR WHOM THE NAMED INSURED HAS AGREED BY WRITTEN CONTRACT TO FURNISH THIS WAIVER	BLANKET WAIVER OF SUBROGATION

NOTHING IN THIS ENDORSEMENT CONTAINED SHALL BE HELD TO VARY, ALTER, WAIVE
OR EXTEND ANY OF THE TERMS, CONDITIONS, AGREEMENTS, OR LIMITATIONS OF THIS
POLICY OTHER THAN AS STATED. NOTHING ELSEWHERE IN THIS POLICY SHALL BE
HELD TO VARY, ALTER, WAIVE OR LIMIT THE TERMS, CONDITIONS, AGREEMENTS OR
LIMITATIONS OF THIS ENDORSEMENT.

COUNTERSIGNED AND ISSUED AT SAN FRANCISCO: JULY 9, 2020

AUTHORIZED REPRESENTATIVE

PRESIDENT AND CEO

2572

RESPONSE TO RFP FOR PERSONNEL POLICY MANUAL

1. Respondent name, address, telephone number and website, and principal contact name, telephone number and e-mail address.

Lewis Brisbois Bisgaard & Smith LLP
3 Better World Circle
Suite 100
Temecula, CA 92590
951.252.6150
www.lewisbrisbois.com

Our principal contact is **Kelly Alhadeff-Black**, who can be reached at 951.252.6154 or at Kelly.Black@lewisbrisbois.com.

2. Statement of the respondent's qualifications to perform the requested services.

As a long-standing leader representing employers across a wide array of industries, Lewis Brisbois has decades of experience providing employment counseling and practical workplace solutions to clients of all sizes across the country. Whether your organization needs a new employee handbook drafted, existing policies and procedures updated to reflect the most current state of the law, employment contracts and severance agreements prepared, wage/hour audits conducted, or a comprehensive training program presented to your employees, you can trust Lewis Brisbois to provide effective, knowledgeable counsel in all of these areas. We share our clients' goal of preventing and preempting problems before they result in costly litigation, and we provide guidance to assist clients in avoiding both the courtroom and government investigations.

With a diverse team of attorneys and more than 50 offices across the country, Lewis Brisbois can provide counseling solutions tailored to your business's specific needs in almost any location in the United States. You will benefit from our lawyers' experience as consultants, litigators, and human resources professionals. Our team includes attorneys who were previously employed as in-house counsel for corporations and regularly addressed the HR and legal needs for their work forces, which gives us a strong base for continuing to provide effective counsel as the need arises for our clients. Our unique national reach enables us to advise multi-state businesses, serving as your guide through the intricacies and variations of labor and employment law in locations throughout the country.

3. Name of the principal staff person(s) who will be primarily responsible for providing services to the District and their resume and qualifications.

The principal attorneys primarily responsible for providing these services to the District are **Melissa Daugherty** and **Erica Rocush**. Melissa and Erica have both been involved in providing advice and counseling to SGVMVCD since October 2020.

2. Adrian Deghanmanesh

CFO

Meridian Management Services, LLC

260 N Palm St Ste 104

Brea, CA 92821

888.309.0022

amanesh@meridianhealthmgmt.com

Services Provided: General employment counseling, defense of employment litigation.

Dates of Service: March 2013 – present

3. Evan Segal

General Counsel

Bristol Hospice

1675 Chester Ave. # 401

Bakersfield, CA 93301

801.889.2622

evan.segal@bristolhospice.com

Services Provided: General employment counseling, defense of employment litigation.

Dates of Service: April 2020 – present

6. Description of the respondent's proposed fees, costs and charges, including an explanation of what services will be provided on an hourly rate, flat rate, fixed retainer or other basis. Explain how often the District will be invoiced for services. Explain what costs would be charged to the District and the respondent's policy for billing fees and any costs relating to travel.

Lewis Brisbois is honored to offer two pricing options for this work. The first option is a **flat fee of \$7,000**. We came to this pricing as we anticipate that reviewing and editing the policy manual will cost approximately \$5,000, discussions and follow-up work regarding any changes will cost approximately \$1,000, and training on the changes will cost approximately \$1,000.

The second option is a **\$350 blended hourly rate** for all work handled by all lawyers on this project. We anticipate that reviewing and editing the policy manual will take approximately 12 to 17 hours, discussions and follow-up work regarding any changes will take approximately three to five hours, and training on the changes will take approximately two to three hours.

We do not expect there to be any additional costs related to travel or anything else outside of what is covered in the scope of work of this Request for Proposal.

7. Description of the respondent's general liability, automobile liability and professional liability insurance coverages. The successful firm will need to provide proof of insurance satisfactory to the District.

Please see **Attachment B** for information on our insurance coverage.



MELISSA TARA DAUGHERTY

Partner, Los Angeles

213.580.3908 | Melissa.Daugherty@lewisbrisbois.com

LewisBrisbois.com

Primary Practice(s)

- Labor & Employment
- Data Privacy & Cybersecurity
- ADA Compliance & Defense
- COVID-19: Labor & Employment

Additional Experience

- Wage & Hour Class Actions

Education

- Loyola Law School, *Juris Doctor*
- University of California at Santa Barbara, Bachelor of Arts, *cum laude*

Melissa Daugherty is a partner in the Los Angeles office of Lewis Brisbois, vice-chair of the Labor & Employment Practice, and chair of the ADA Compliance & Defense Practice. Her practice focuses on:

- Wrongful Termination and Retaliatory Discharge
- Employment Discrimination and Harassment (Including Sexual Harassment Prevention Training)
- Americans with Disabilities Act, The Disabled Persons Act and the Unruh Civil Rights Act
- Fair Employment and Housing Act ("FEHA")
- Age Discrimination in Employment Act ("ADEA")
- State and Federal Wage and Hour Disputes (including class actions)
- Family Medical Leave Act and California Family Rights Act ("FMLA" and "CFRA")

Ms. Daugherty has extensive experience in providing employment counseling to clients, including policy and handbook drafting, employment practices audits and seminar presentations. She routinely provides AB1825 Sexual Harassment Prevention Training to numerous clients throughout the country. She has special expertise in Title III of the Americans with Disabilities Act and litigation involving the Unruh Civil Rights Act. She has created an extensive database, tracking developments in this area of law and documenting historical settlement value based on a number of factors. Ms. Daugherty also provides seminars on Title II and III of the ADA and related state law.

Ms. Daugherty also has experience in all aspects of employment litigation including: wage and hour class actions, defending employers during audits brought by the Department of Labor and State Labor Commission; defending employers in matters brought before the Department of Fair Employment and Housing, Equal Employment Opportunity Commission, Division of Labor Standards and Enforcement, and the Workers' Compensation Appeals Board; conducting independent



ERICA ROCUSH

Partner, Phoenix & Los Angeles

602.385.7837 | Erica.Rocush@lewisbrisbois.com

LewisBrisbois.com

Primary Practice(s)

- Labor & Employment
- COVID-19: Labor & Employment
- COVID-19 Response Resource Center

Additional Experience

- Wage & Hour Class Actions
- Employment Advice & Counseling
- Traditional Labor

Education

- University of Arizona James E. Rogers College of Law, *Juris Doctor, magna cum laude*, 2001
 - Managing Editor, Arizona Law Review
- DePauw University, Bachelor of Arts, *magna cum laude*, Economics and Romance Languages, 1996

Erica Rocush is a partner in the Phoenix office of Lewis Brisbois and is co-chair of the Employment Advice & Counseling Practice. Ms. Rocush devotes her legal practice to management-side employment law litigation and advice and counseling. Her clients range from small partnerships to large international companies, and they operate across multiple industries. She represents clients in all aspects of litigation and agency proceedings in cases involving claims alleging discrimination; retaliation; failure to accommodate; violation of wage and hour laws; and breach of contract under both state and federal law.

Erica defends clients in single plaintiff, multi-plaintiff and class and collective actions. She has represented employers in a variety of wage and hour class and collective actions. She also advises and counsels clients on best practices for avoiding litigation and on employee-related policies and procedures, including performing handbook analysis for compliance with state and federal laws, conducting exemption status analysis and advising on discipline and termination decisions, drafting handbooks and policies and providing training on such policies.

Admissions

- State Bar Admissions
 - Arizona
 - California
- United States District Courts
 - United States District Court for the District of Arizona
 - United States District Court for the Central District of California
 - United States District Court for the Eastern District of California
 - United States District Court for the Northern District of California
 - United States District Court for the District of Oregon
- United States Courts of Appeals
 - United States Court of Appeals for the Ninth Circuit



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

09/07/2021

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
Brakke-Schafnitz Ins. Brokers
License #0K07568
3 Polaris Way, 4th Floor
Aliso Viejo, CA 92656
Craig Lewis

949-365-5156

CONTACT NAME: Loida Jalandra
PHONE (A/C, No, Ext): 949-365-5156
FAX (A/C, No): 949-313-3287
E-MAIL ADDRESS: loida.jalandra@sig.us

INSURED Lewis, Brisbois, Bisgaard & Smith, LLP
633 W. 5th Street, Suite 4000
Los Angeles, CA 90071

INSURER(S) AFFORDING COVERAGE		NAIC #
INSURER A:	Federal Insurance Company	20281
INSURER B:	Ironshore Specialty Ins. Co.	25445
INSURER C:	ACE American Insurance Co	
INSURER D:		
INSURER E:		
INSURER F:		

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. 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 X	COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:			35293188	04/01/2021	04/01/2022	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 1,000,000 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
A	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS ONLY <input checked="" type="checkbox"/> NON-OWNED AUTOS ONLY			74970352	04/01/2021	04/01/2022	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
A X	UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED RETENTION \$			79611475	04/01/2021	04/01/2022	EACH OCCURRENCE \$ 25,000,000 AGGREGATE \$ 25,000,000
C	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) <input type="checkbox"/> Y/N If yes, describe under DESCRIPTION OF OPERATIONS below		N/A	71636981	04/01/2021	04/01/2022	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTHER E.L. EACH ACCIDENT \$ 1,000,000 E.L. DISEASE - EA EMPLOYEE \$ 1,000,000 E.L. DISEASE - POLICY LIMIT \$ 1,000,000
B	E&O/PL-Primary Claims-Made			LPL7NABZWBZ001 (DED: 500K/1M)	05/25/2021	05/25/2022	Ea Claim 10,000,000 Aggregate 10,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
CYBER: Cyber/Privacy Liability - Policy No. F16279067 001 INSURER C: ACE American Insurance Company
Limit \$5,000,000
Policy Term: 09/01/2021-09/01/2022

CERTIFICATE HOLDER	CANCELLATION
PROOF OF INSURANCE Lewis, Brisbois, Bisgaard & Smith LLP 633 W. 5th Street, Suite 4000 Los Angeles, CA 90071	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 <i>Loida Jalandra</i>

COLANTUONO
HIGHSMITH
WHATLEY, PC

MATTHEW T. SUMMERS | (213) 542-5700 | MSUMMERS@CHWLAW.US

September 24, 2021

VIA OVERNIGHT DELIVERY

Jared Dever, District Manager
San Gabriel Valley Mosquito and Vector Control District
1145 N. Azusa Canyon Road
West Covina, CA 91790

**Re: Response to San Gabriel Valley Mosquito and Vector Control District
Request for Proposal—Personnel Policy Manual**

Dear Mr. Dever:

We write in response to the District's Request for Proposal. Thank you for the opportunity to do so.

Summary of Services. Founded in 2002, with offices in Grass Valley, Pasadena, Sacramento, Solana Beach, and Sonoma, the Firm prides and commits itself on providing understandable, practical, helpful, and fairly priced legal advice. Working almost exclusively with public agencies and drawing on our deep well of public law experience, we handle the full range of legal issues confronting California's cities, counties, and other public agencies.

We propose to staff the Personnel Policy Updates and Training Project with **Matthew T. Summers** as Lead Counsel, and **Teresa L. Highsmith**, who is a Shareholder of our firm, as well as **Nikhil S. Damle**. We enclose their resumes as well as a list of our firm's general and special counsel clients and significant appellate representations to demonstrate our general qualifications.

As an introduction, I am a Senior Counsel with the Firm and serve as City Attorney for the Cities of Barstow, Calabasas, and Ojai. My practice covers the full range of public

790 E. COLORADO BOULEVARD, SUITE 850, PASADENA, CALIFORNIA 91101-2109 | (213) 542-5700

GRASS VALLEY | PASADENA | SACRAMENTO | SOLANA BEACH | SONOMA
264937.1

law issues, including: the Brown Act, elections, contract drafting, interpretation, and management, public revenues and financing, labor and employment, conflicts of interest, open meetings and public records laws, Local Agency Formation Commission proceedings, CEQA, and other state and federal laws governing public agencies.

I am also an active participant in the broader public law community, speaking publicly on topics of interest within my areas of expertise, including at a recent California Special Districts Association Conference on LAFCO relations, and serving the League of Cities on policy and working committees of importance to municipal lawyers. I am a Member of the League of Cities' Legal Advocacy Committee, deciding which cases merit amicus briefing, and was on the Environmental Quality Policy Committee, evaluating legislative proposals regarding fire prevention, CEQA reform, and stormwater management, among other issues. I am also a past chair for Chapter 3, Elections, for the California Municipal Law Handbook published jointly by California Continuing Education of the Bar (CEB) and the League of California Cities, the leading treatise on California municipal law.

Colantuono, Highsmith & Whatley is unique for its approach in the delivery of legal services. Our philosophy is to anticipate and find solutions to our clients' problems, and to help our clients achieve their goals.

I look forward to meeting with you and the Board of Trustees to discuss our proposal. If you need any further information from me to assist your review of our proposal, please call me at the direct-dial number listed above. Thank you for the opportunity to propose our services.

Sincerely,



Matthew T. Summers

Enclosures

**COLANTUONO
HIGHSMITH
WHATLEY, PC**

**Response to Proposal
for
San Gabriel Valley Mosquito and
Vector Control District
Personnel Policy Manual**

September 24, 2021

Matthew T. Summers
Teresa L. Highsmith
Nikhil S. Damle
Colantuono, Highsmith & Whatley, PC
790 E. Colorado Boulevard, Suite 850
Pasadena, CA 91101-2109
(213) 542-5700



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Matthew T. Summers	
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Statement of Qualifications

Public agencies throughout California rely on Colantuono, Highsmith & Whatley, PC, founded in 2002 and with offices in Pasadena and Grass Valley, to handle all their legal needs. The Firm prides itself on providing understandable, practical, helpful, and fairly priced advice. Working almost exclusively with public agencies, and drawing on our deep well of public law experience, we handle the full range of legal issues confronting California's cities, counties, and other public agencies. Our core commitment is to provide advice our clients find helpful, understandable, and fairly priced.

We build relationships with our clients that allow us to give our clients ethical, creative, affirmative and intelligent advice and representation, as well as anticipate and find solutions to potential problems. Our experience spans all facets of public agency law facing cities, including the Brown Act, election law, conflicts of interest law, matters arising under the Public Records Act, land use and planning, public revenues and financing, labor and employment, redevelopment, including the dissolution process pursuant to AB 1x26 & AB 1484, housing, the California Environmental Quality Act and any related litigation. Our labor and employment law practice includes advice (including negotiation of MOU's with various bargaining units), training, representation in administrative proceedings, and litigation in a wide variety of matters, including wrongful termination, disability, discrimination, and discipline matters. We are also familiar with the unique concerns that arise for special districts operating programs and delivering services within multiple cities and communities.

We propose Matthew Summers as Principal Attorney. He has specialized in representing public agencies since 2011 and presently serves as City Attorney to the Cities of Barstow, Calabasas, and Ojai, and was recently appointed as General Counsel to Eco-Rapid Transit, a 15-member JPA. He is an experienced legal advisor at City Council, Planning Commission, and other public entity meetings. He would be supported by Teresa L. Highsmith and Nikhil S. Damle.

Teresa L. Highsmith heads the firm's Labor Practice department, focusing on public law disputes including post-redevelopment and other municipal finance issues, matters involving Local Agency Formation Commissions (LAFCos), land use, California Public Records Act, CEQA, election, public works, and employment law disputes. In 2013, the *Daily Journal* recognized her as one of the top 20 municipal lawyers in California.

Nikhil S. Damle is the primary Assistant City Attorney and Planning Commission Counsel for the cities of Barstow, Calabasas, Ojai, and Sierra Madre. We propose Nikhil

420 Sierra College Dr., Ste. 140
Grass Valley, CA 95945-5091
(530) 432-7357 | www.chwlaw.us



790 E. Colorado Blvd., Suite 850
Pasadena, CA 91101-2109
(213) 542-5700 | www.chwlaw.us

as additional counsel on this project. Information about all of our talented attorneys available to assist the City can be found on our website at: <http://chwlaw.us/attorneys>.

Principal Staffing Resources

Matthew T. Summers

We propose Matthew Summers as the Primary Counsel for the SGVMVCD on the Personnel Policy Update project. He is a Senior Counsel in our firm's Pasadena office with eight years of extensive experience representing cities and other public agencies in every aspect of municipal law. His experience includes serving as City Attorney for the City of Ojai since 2015 and as City Attorney for the City of Calabasas and Barstow since 2021. His practice covers the full range of public law issues, including land use, elections, joint powers agency agreements, post-redevelopment disputes, telecommunications, state Water Code regulations for urban water suppliers and NPDES requirements; conflicts of interest, open meetings law, CEQA, and Americans with Disabilities Act ("ADA") compliance. Mr. Summers has specialized in representing public agencies his entire career and has been with the Firm since July 2012, with the City of Berkeley previously. He is available to attend the District's meetings as necessary in regards to the Policy update project. He can provide advice on these issues and on matters of parliamentary procedure and internal District policies and procedures as may arise. Mr. Summers works out of the Pasadena Office and is readily available by telephone and email.



In his Special Districts practice, Mr. Summers has advised, then litigated a contested Board of Directors election for the Los Osos Community Services District, after mistakes by the County elections officials handling the election, resulting in confirmation of the current Board's terms. He has also advised the Baker Community Services District as to several Brown Act and labor and employment and harassment prevention and response matters, and has advised the Camarillo Health Care District as to several post-redevelopment and finance matters.

California Municipal Law Experience and Knowledge:

Matt serves as City Attorney for the Cities of Ojai, Barstow, and Calabasas, including serving as counsel to their Planning Commission and Historic Preservation Commissions. He was previously Assistant City Attorney for La Habra Heights, attending all Planning Commission meetings and advising on all land use and CEQA compliance matters. Additionally, he advises the Eco-Rapid Transit, a fifteen-city joint powers agency, as well



as works for our other general and special counsel clients. He is experienced with all aspects of the Brown Act, the Public Records Act, the Political Reform Act, Government Code section 1090, common law conflict of interest rules, elections law, and public contracting and has provided formal and informal advice to the Firm's city and special district clients on these issues.

Matt has successfully guided agencies through personnel policy updates which include assessment, evaluation, drafting, rewriting, negotiating with bargaining units as necessary, and advising through adoption and implementation of policy updates.

Matt is also experienced in advising public agencies regarding labor and employment law, including advising on implementation and interpretation of employment agreements for non-represented "at-will" personnel, and on recruitment, discipline, and retention matters for small cities with unrepresented employees. He is experienced in advising public agencies during the employee discipline and termination process for miscellaneous, public safety, and management employees, including negotiated departures, and in guiding agencies through executive management transitions.

Matt received his J.D. *cum laude* from the University of California, Hastings School of Law in 2011 where he was an Articles Editor of the **Hastings West-Northwest Journal of Environmental Law & Policy**. While at Hastings, Matt worked as a judicial extern for the Honorable Marilyn H. Patel of the U.S. District Court, Northern District of California. He graduated from Reed College with a B.A. in Economics in 2008 and is a member of Phi Beta Kappa.

Education:

J.D., 2011, University of California, Hastings College of the Law, San Francisco, CA
B.A., Economics, Phi Beta Kappa, 2008, Reed College, Portland, OR

Year admitted to the California Bar and Bar Number: State Bar Number 280496,
Admitted December 9, 2011

Professional Background:

Contract City Attorney Positions Held with Colantuono, Highsmith & Whatley, PC:

- **City of Ojai**

 - City Attorney, August 2015 to Present

 - Interim Assistant City Attorney, February 2015 to August 2015



- **City of Calabasas**

Assistant City Attorney and Planning Commission Counsel, October 2012 to Present

- **City of La Habra Heights**

Assistant City Attorney, January 2013 to January 2014

League of California Cities:

- **Legal Advocacy Committee & Executive Committee**

-Member, 2019 to Present

- **Environmental Quality Policy Committee**

-Member, Appointed by GLBTLO Caucus, 2017 to 2019

- **Municipal Law Handbook, City Attorneys' Department**

-Chair, Chapter 3, Elections, 2017 & 2018

-Reviewer, Chapter 10, Land Use, 2015 & 2016

Public Service:

- Speaker at California Special Districts Association, Los Angeles County City Attorneys' Association, California State Association of Counties, Los Angeles County Law Library, and League of California Cities
- Member of City Attorneys' Association, Los Angeles County
- Member of Tri-Counties City Attorneys' Association, Ventura, Santa Barbara, and San Luis Obispo Counties

Practice Areas:

- Public Law
- Special District Organization
- Elections Law
- Cannabis Regulation and Permitting
- Americans with Disabilities Act
- Conflicts of Interest
- Open Meetings Law
- Public Records Act
- Brown Act
- Public Contracting Law
- Post-Redevelopment



Teresa “Terri” Highsmith, Shareholder

Terri is a shareholder with the firm and has specialized in municipal law since 1991. She has been with the firm since 2010 and has a broad range of experience in areas of concern to local governments, including personnel and labor matters, land use regulation, redevelopment and post-redevelopment, contracts, real property transactions, affordable housing, federal military base conversion, Joint Powers Authority formation and agreements, open meetings law, Public Records Act requests, and conflicts of interest.



As the leader of the municipal advisory team in Colantuono, Highsmith & Whatley’s Pasadena office, Terri until recently served as City Attorney to Barstow, Sierra Madre and South Pasadena. Terri is currently General Counsel to the South East Los Angeles County Work Force Development Board and the SELACO WDB’s Policy Board (a 5-city JPA which appoints members of the WDB), and until recently, served as General Counsel to the Orangeline Development Authority — a JPA comprising over 15 cities formed to pursue development of a high speed, environmentally friendly and energy efficient transit system in Southern California. Terri also serves as special counsel to the Citrus Heights Water District on all personnel and labor matters.

Terri leads the firm’s personnel and labor team, providing legal service for the firm’s clients in all aspects of public labor and employment law, including drafting and negotiating terms in various Memorandum of Understanding documents and employment agreements for non-represented “at-will” personnel; drafting Employer/Employee Relations Resolutions and Personnel Rules and Regulations; advising clients on disciplinary and termination procedures and drafting required documents for both miscellaneous and safety employees; advising on various employee leave laws; providing employee training regarding discrimination and harassment policies; advice on Fair Labor Standards Act requirements; preparation of Position Statements in response to unfair labor charges before Public Employees Relations Board; representing the public entity in disciplinary appeal hearings; acting as Sabey counsel for legislative bodies acting as an appellate body for employee discipline; and responding to employee discrimination and harassment claims under the Fair Housing and Employment Act.

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(530) 432-7357 | www.chwlaw.us



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Prior to joining the firm, Terri served the City of Alameda as its City Attorney (2006 – 2011) and Assistant City Attorney (1997– 2006) and as General Counsel to the Alameda Civil Service Board, the Alameda Reuse and Redevelopment Authority (a joint powers authority created to acquire and redevelop the former Naval Air Station) and the Alameda Power and Telecom, the oldest municipal election utility in California.

Terri has served on various League of California Cities Committees, including the Legal Advocacy Executive Committee 2018–2020 (Chair 2019–2020) and the Nominating Committee (2020).

Terri graduated with a Bachelor of Arts degree with honors from the University of Nevada, Reno in 1977. Several years and three children later, she attended law school at John F. Kennedy University, graduating with honors in 1991 and joined the California Bar that same year. While at law school, she was an editor of the Law Review and taught contracts and legal research and writing to first-year students while juggling the duties of a “soccer mom.”

Education:

- J.D., honors, 1991; John F. Kennedy University
- B.A., honors, 1977; University of Nevada, Reno
- State Bar Number 155262



Nikhil S. Damle, Esq.

Nikhil is an Associate with Colantuono, Highsmith & Whatley’s municipal advisory and litigation practice groups and resident in our Pasadena office. Nikhil advises our municipal agency clients on code compliance, public safety, police and fire liability, employment matters, the Political Reform Act, Brown Act, Public Records Act, and general civil litigation. Nikhil is also active in the firm’s cannabis regulation and enforcement practice. Nikhil’s recent litigation assignments have included a large number of cases closing unpermitted cannabis dispensaries and related challenges to several cities’ cannabis ordinances. Nikhil also advised Ojai in the development of its comprehensive cannabis dispensary, delivery, and manufacturing regulatory and permitting program. He is additional primary counsel for several code compliance matters, including recently securing the necessary warrants for abatement of hazardous conditions requiring complex multi-agency coordination. He is also a member of the firm’s public safety practice in the police litigation group and serves as counsel to the Barstow and Ojai Planning Commissions.



Year admitted to the California Bar and Bar Number:

State Bar Number 297350, Admitted June 2014

Education:

J.D., 2015, University of Arizona, James E. Rogers College of Law, Tucson, AZ
B.A., Political Science and Middle Eastern Studies, University of California, Irvine

Professional Background:

Contract Assistant City Attorney Positions Held with Colantuono, Highsmith & Whatley, PC:

- **City of Barstow**
Assistant City Attorney, 2017 to Present
- **City of Sierra Madre**
Assistant City Attorney, 2017 to Present
- **City of South Pasadena**
Assistant City Attorney, 2017 to 2020
- **City of Ojai**
Assistant City Attorney, 2017 to Present



Experience and Technical Competence

The Firm's core commitment has always been to provide understandable, helpful, and fairly priced advice to local government clients. Our attorneys will always look for creative, cost-effective ways to resolve issues facing the District. As attorneys who provide personnel, labor and employment services both to general counsel clients and as special counsel on particular projects, we understand the importance of prioritizing the District's long-term management goals while resolving issues. This often means finding solutions that limit the District's financial risk while ensuring continuity of productive relationships between the District's management and its employees, and maintaining sensitivity to political impacts. Each of the attorneys listed in this proposal has as city attorneys, which gives us unique insight into how labor and employment issues, and their solutions, affect the District.

This creativity has regularly resulted in positive results for the Firm's client. For example, the Firm recently advised a client to proceed with a full meet and confer process, including impasse procedures and fact finding, on a proposed amendment to create transparency procedures within an Employer-Employee Relations Policy. Although the proposed amendment created no reasonable likelihood of an effect on wages, hours and conditions of employment, and the law supported the client's imposition of the policy without going through full impasse and fact finding procedures, we compared the cost and time of defending a PERB charge (even if successful) against the cost and time to simply go through the administrative procedures. This accomplished the goals by ensuring the policy was adopted, saving time and money, and garnering political goodwill while also satisfying the bargaining unit's desire to bargain fully.

The Firm's ultimate measure of success in any project is meeting goals in the most cost-effective way possible. We believe the Firm's experience and depth of knowledge uniquely positions us to be able to do so.

The Firm also maintains a labor and employment team, of which Ms. Terri L. Highsmith is lead counsel with assistance as needed from Mr. Matthew T. Summers and Nikhil S. Damle, and our talented team of legal professionals- both transactional and litigation matters. Ms. Highsmith has more than 25 years of experience advising public agency clients regarding all aspects of public employment law. Our labor and employment law practice includes advice, training, and representation in administrative proceedings and litigation in a wide variety of matters, including wrongful termination, disability and



other discrimination, discipline, and leaves. We have also advised cities through alternative dispute resolutions for labor matters, including complex employee discipline cases subject to binding arbitration.

The Firm includes California's leading experts on local government revenues, including Propositions 13, 26 and 218. Michael Colantuono, the Firm's managing shareholder, leads the team on all public financing matters, with a particular focus on setting, defending, and challenging retail and wholesale water, sewer, and electricity rates. He recently chaired the League of Cities Committee that wrote the League of Cities' Propositions 26 and 218 Implementation Guide.

In addition to advisory work in all areas of interest to a public entity, our firm also represents public entities in litigation matters, as needed, from simple code enforcement to complex matters of first impression impacting cities on a statewide basis. Our litigators have broad experience in public-sector litigation and such private-sector topics as general commercial litigation, employment law, and unfair competition. We have a successful litigation track record at all levels, including an extensive practice in the California Courts of Appeal and the California Supreme Court.

Our attorneys are among a small number of attorneys in private practice with deep expertise in LAFCO law, the Cortese-Knox-Hertzberg Act. We have advised cities on annexations, the creation of subsidiary districts, spheres of influence and municipal service reviews, as well as handling a number of significant LAFCO-related litigation.

Although we do not serve as "bond counsel," we are experienced in drafting components of Official Statements and in interpreting bond covenants and purposes.

Labor and Employment Practice

Matthew Summers or Terri Highsmith will be primarily responsible for assisting the District with its labor-related projects. Both Terri and Matthew have substantial experience in the practice of labor law. As described elsewhere in this Proposal, both currently serve as primary labor counsel for numerous cities and special districts for which the Firm serves as general counsel/city attorney, several with similar numbers of employees as The District. Matthew and Terri also regularly advise special counsel clients on bargaining implications of policies and other decisions.

Our team's experience in labor law includes issues ranging from resolution of informal issues to negotiations over memoranda of understanding. Matt and Terri regularly:



Ultimately, the Firm's approach to the Labor and Employment practice is to work closely with management staff to proactively address labor-related issues in the most cost-effective way possible.

Ongoing Personnel and Labor Advice Service Area

As primary labor counsel for numerous cities and special districts for the Firm, both regularly handle the full range of personnel and labor issues that arise for public agencies like The District.

The firm has significant experience with advising clients on issues unique to public safety employees. This includes compliance with the Peace Officers' Bill of Rights, the Firefighter Procedural Bill of Rights, and unique provisions of the Fair Labor Standards Act. Nikhil Damle and Jon di Cristina, in the Firm's Pasadena and Grass Valley Offices respectively, are also available to assist on preparation of *Pitchess* motions and other requests for police personnel information under the Public Records Act and Senate Bill No. 1421/Assembly Bill No. 748. The Firm has experience assisting in internal, administrative response to officer involved shootings and other incidents.

Again, the Firm's approach to the Ongoing Personnel and Labor Advice Service Area is to proactively address potential issues and seek solutions that both limit the District's financial risk and ensure continuity of productive relationships between the District's management and its employees. For example, Terri recently advised a client on an employee grieving the way he was publicly notified of a disciplinary matter. On Terri's advice, the District issued an apology letter and agreed to remove discipline from the employee's personnel file if he was not subject to discipline in the next 12 months, and obtained a waiver of all claims in exchange. The result met both the District the employee's goals: saving expense of a grievance hearing and likely PERB charge, alleviating an employee's grievance with the District, and restoring trust between the employee and management.

- Advise human resources department and other department heads on how best to address employee discipline and termination;
- Assist with internal investigations regarding employee misconduct;
- Develop progressive discipline strategies, including Performance Improvement Plans, to address employee underperformance;
- Draft Skelly notices;



- Draft and/or amend Personnel Policies and employee handbooks;
- Provide workplace discrimination and sexual harassment training;
- Advise on compliance with the Family Medical Leave Act, California Family Rights Act, Pregnancy Disability Leave Act, Public Employees Pension Reform Act, the Fair Employment and Housing Act, federal Affordable Care Act, federal Families First Coronavirus Response Act and the full panoply of federal anti-discrimination regulations;
- Draft employment agreements for “at-will” personnel;
- Advise on interactive process and when, necessary, draft release letters for inability to perform essential job duties;
- Advise on COVID-19 employment issues; draft telework agreements, COVID Prevention Plans, COVID notification form letters;
- Draft form agreement for recovery of overpayments to employee; and
- Track and advise new clients on legislation, case law and PERB decisions.
- Develop bargaining strategy during contract negotiations;
- Provide advice regarding compliance with all aspects of the Meyers-Milias-Brown Act both during contract negotiations and as part of day-to-day operations;
- Attend bargaining sessions with both public safety and non-safety bargaining units;
- Prepare agreements with bargaining units including, but not limited to bargaining ground rules, side letters, and memoranda of understanding;
- Prepare or amend Employer-Employee Relations Resolutions and Personnel Policies;
- Advise on when “meet and confer” is required;
- Prepare Position Statements in response to unfair labor charges and appearances before Public Employees Relations Board (“PERB”); and
- Provide day-to-day advice on the full range of matters that arise under labor law.



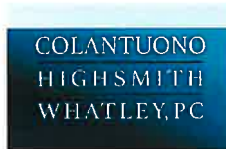
CalPERS Service Area

As primary labor and employment counsel for several CalPERS member agencies, both Matthew and Terri have significant experience in navigating the complexities of CalPERS membership and how that influences the development of personnel policies. Our team regularly:

- Advise on restrictions on hiring of CalPERS retired annuitants and independent contractors;
- Draft employment agreements for CalPERS retired annuitants, utilizing PERS Circular Letter 200-046-21, and interpreting Governor Newsom’s Executive Order N-08-21, regarding suspension of certain PERS annuitant restrictions;
- Assist with application of Pension Reform to existing and new members;
- Advise on other post-employment benefit (“OPEB”) liabilities and funding mechanisms;
- Advise on and draft supporting documents for CalPERS disability retirement and industrial disability retirement;
- Attend meetings with CalPERS to create programs and documentation for “golden handshake” retirement incentives; and
- Attend meetings with CalPERS to clarify existing personnel rules and avoid CalPERS audits regarding pensionable and non-pensionable compensation.

In addition to regular advice to clients on day-to-day CalPERS-related matters we currently represent several retired annuitants in an appeal of a CalPERS determination to reinstate them as employees of a public agency, along with repayment to CalPERS of retirement payments up to \$602,800 per person.

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List of Client References

Although our firm is well-known in local government, the following are especially familiar with our work:

City of Ojai

James Vega
City Manager
City of Ojai
401 S. Ventura Street
Ojai CA 93023
805.646.5581
vega@ojaicity.org

Brief description of services provided: Mr. Summers is City Attorney, providing general legal services to the City. Mr. Damle serves as Assistant City Attorney for Ojai, providing additional general legal services and code compliance enforcement.

City of Calabasas

Kindon Meik
City Manager
City of Calabasas
100 Civic Center Way
Calabasas, CA 91302
818.224.1600
kmeik@cityofcalabasas.com

Brief description of services provided: Mr. Summers serves as City Attorney for the City of Calabasas — with a particular focus on land use, CEQA, business regulation, and telecommunications and wireless facility siting issues.

City of Barstow

Dr. James Hart
Interim City Manager
City of Barstow
220 E. Mountain View Avenue

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Grass Valley, CA 95945-5091
(530) 432-7357 | www.chwlaw.us



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Pasadena, CA 91101-2109
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Barstow, CA 92311
Telephone: 760-255-5101
JHart@barstowca.org

Brief description of services provided: Mr. Summers has served as Barstow's Assistant City Attorney for six years, and was recently appointed as City Attorney nine months ago.



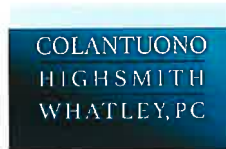
Proposed Fees

We propose to provide legal services based on the firm's standard rates capped at \$295 per hour. **The following hourly rates will apply to all services:**

Shareholders and senior contract attorneys	\$295
8th year and more senior associates	\$285
7th year associates	\$275
6th year associates	\$265
5th year associates	\$255
4th year associates	\$250
3rd year associates	\$245
2nd year associates	\$240
1st year associates	\$235
Paralegals	\$185
Legal assistants	\$150 to \$175

These rates apply to any travel time required to provide services to the District. However, we will agree to split such time, which means we will only charge for ½ of all travel time. Our Pasadena office is within 15 miles of the District offices, and do not anticipate significant travel time in performance of these services.

We charge 20 cents per page for in-house photocopies for projects that use over 25 pages, one dollar per outgoing page for facsimile transmissions and mileage at the IRS rate. As to other costs, we simply pass on to you, without mark-up, the costs of any expenses incurred, such as outside copying, Federal Express charges, etc. We do not charge for word processing or secretarial overtime. Moreover, the firm does not charge additional fees for basic computer-assisted research or investigation. In the event a separate fee is charged to the firm for unusual research, we would pass that expense on to the District without mark-up and only with the prior approval of the District. We will also agree not to charge the District for office support services and similar operational costs.



Cost Control

The firm is very sensitive to the need to control costs, recognizing that public money and public trust are at stake. We develop cost management strategies in cooperation with our public clients to ensure the most effective and efficient use of our services.

In our periodic reports on work we handle for the District, we will identify opportunities and strategies to contain costs, such as by providing a template for staff to use in completing routine contracts, rather than drafting a bespoke contract each time. These reports will assist the District in determining how best to dispose of work and avoid the common situation where matters are allowed to flow along, generating bills for the District, well past the point where a considered judgment should be made regarding the settlement or disposition of the matter. Managing the cost of legal services requires a team effort and we will make every effort to provide the District with the information you need to help us control the cost of legal services, whether we provide them or they are provided by other counsel.

The Firm also frequently shares costs among our many municipal clients throughout the state of California. For example, we provide annual and periodic legislative updates, as well as important and relevant case law updates and direction to our public agency clients, where each agency pays a proportionate fraction of the total cost of research and preparation of the memoranda. Further, we keep legal bills to a minimum by utilizing research and documents previously drafted, and only billing for the time spent in updating and tailoring a matter to the particular client's needs.

Training and Professional Development

The firm is qualified to and routinely provides: ethics, Brown Act and AB 1234 training; commissioner and council member orientation and best management training; election and campaign orientations for candidates and poll workers; employment-related training, including topics such as sexual harassment and discrimination prevention and employee evaluation, retention, and discipline best practices; and the basics of land use and due process. We have provided these trainings to Boards of Directors, City Councils, Commissions, and staff and can adjust to accommodate the desired training approaches of the District once the new Policy manual is implemented. The firm is also a certified provider of continuing education services by the California State Bar, and provides bimonthly trainings for its attorneys. We pride ourselves on staying up to date on new developments in the law, including by active participation with the League of Cities and

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other local government associations. Mr. Summers, Ms. Highsmith, and Mr. Damle are experienced public presenters of training for our clients and for the California Special Districts Association, City Attorneys' Association of Los Angeles County, the League of Cities, and the California State Association of Counties.

Insurance

The Firm carries insurance coverage at standard appropriate limits amenable to all clients. We maintain in full force and effect a professional liability insurance policy, including non-owned automobile coverage, professional errors and omissions insurance, and workers' compensation insurance in accordance with Section 3700 of the California Labor Code. The District will be included as additional insured, and the Firm agrees to notify the District in the event the limits of its insurance should fall below the required coverages or if the insurance policies are allowed to lapse or materially changed and substitute insurance is not obtained.

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Attachments

Attachment A — Public Agency Client List

Attachment B — Significant Appellate Representations

Attachment C — Firm Newsletter



Attachment A - Public Agency Client List

The Firm is general counsel to those agencies marked with an asterisk (*)

Anaheim, City of
Antioch, City of
*Auburn Urban Development Authority
*Auburn, City of
*Barstow Redevelopment Agency/Successor Agency
*Barstow, City of
Belmont, City of
Benicia, City of
Bighorn Reserve View Water Agency
Brentwood, City of
Broad Beach Geologic Hazard Abatement District
Burbank, City of
*Calabasas, City of
*Calaveras County LAFCo
Calexico, City of
Calleguas Municipal Water District
*Camarillo Health Care District
Central Coast Water Authority
Cerritos, City of
*Chico, City of
Coachella Valley Water District
Norwalk Basin Water Conservation District
ChangeLab Solutions (formerly Public Health Institute)
Chula Vista, City of
Cupertino, City of
East Palo Alto, City of
El Cajon, City of
El Dorado Irrigation District
Escondido, City of
First Five Yuba
Fresno, City of
* Garden Valley Fire Protection District
Glendale, City of

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Glendora, City of
Gold Coast Health Plan
Goleta, City of
Goleta Water District
Goleta West Sanitary District
* Grass Valley, City of
* Higgins Fire Protection District
Humboldt, City of
Huntington Beach, City of
Huntington Park Oversight Board
Imperial Irrigation District
Incorporate Olympic Valley
* Lakeport, City of
Lakewood, City of
Lathrop, City of
Livermore, City of
Lodi, City of
Long Beach, City of
Los Angeles, City of
* Los Medanos Community Healthcare District
Marin Municipal Water District
Marina, City of
Mariposa County
Midpeninsula Regional Open Space District
MJM Management Group
Modesto Irrigation District
Montecito Water District
Monterey, City of
Monterey County Local Agency Formation
Commission (LAFCo)
Monterey Peninsula Water Management District
Mountain View, City of
Nevada County
Newhall County Water District
Newport Beach, City of
*North San Juan Fire Protection District

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Ocean Avenue Association

* Ojai, City of

* Ophir Hill Fire Protection District

Orange County Mosquito and Vector Control District

Orange County Local Area Formation Commission

(LAFCo)

* Orangeline Development Authority (Eco-Rapid
Transit)

Oxnard, City of

Pacific Grove, City of

Pajaro Valley Water Management Agency

Palo Alto, City of

Paramount, City of

Pasadena, City of

* Pearldale-Chicago Park Fire District

Pico Rivera, City of

Pomona Oversight Board

Poway, City of

Redding, City of

Redlands, City of

Rialto Oversight Board

Richmond, City of

Riverside, City of

Riverside County

* Rough & Ready Fire Protection District

San Benito County

San Bernardino County

San Bernardino Local Agency Formation Commission

(LAFCo)

* San Bernardino Oversight Board

San Diego, City of

* San Diego County Local Agency Formation
Commission (LAFCo)

San Diego County Water Authority

San Diego Unified Port

* San Gabriel Oversight Board

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San Juan Capistrano, City of
San Jose Water Company
San Luis Obispo, City of
San Luis Obispo County Local Agency Formation
Commission (LAFCo)
San Marcos, City of
Santa Ana, City of
Santa Barbara, City of
Santa Fe Springs, City of
Santa Maria, City of
Sausalito, City of
* SELACO Workforce Investment Board, Inc.
*Sierra Cedars Community Services District
Shasta County Local Agency Formation Commission
(LAFCo)
* Sierra Madre CRA Successor Agency
* Sierra Madre, City of
SMUD
Solano County Local Agency Formation Commission
(LAFCo)
Solvang, City of
South Gate, City of
* South Pasadena, City of
* Tahoe Forest Hospital District
* Temple, City of
Temple City Oversight Board
Torrance, City of
Truckee Fire Protection District
Tulare, City of
Turlock Irrigation District
Ukiah Sanitation District
Union Sanitation District
Vallejo Sanitation & Flood Control District
Vallejo, City of
Ventura County
Ventura, City of

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Vernon, City of
Vista, City of
Watsonville, City of
Yolo County
Yolo County Local Agency Formation Commission
(LAFCo)
* Yountville, City of
Yuba, City of
* Yuba County Local Agency Formation Commission
(LAFCo)



Attachment B – Appellate Representations

Matthew T. Summers

Significant Appellate Representations (Updated August 13, 2020)

California Supreme Court

City of Chula Vista, et al. v. Sandoval (pending), Case No. S263181 (argued Mar. 2020 in the Third District; petition for review of appellate decision overturning trial court victory in challenge to County’s calculation of redevelopment property tax trust fund distributions to cities and other taxing entities)

City of Pasadena v. Superior Court (Mercury Casualty Co.) (2014) 228 Cal.App.4th 1228 (unsuccessful petition for review) (inverse condemnation liability for fallen tree)

Court of Appeal for Third Appellate District

City of Bellflower, et al. v. Cohen, et al. (2016) 245 Cal.App.4th 438 (successful challenge to State self-help provisions of A.B. 1484 [post-redevelopment legislation] under Proposition 22’s protection of local government revenues)

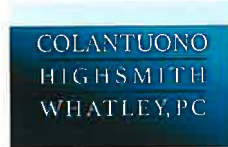
City of Fountain Valley v. Cohen, et al. (unpublished) Case No. C081661 (representation of another taxing agency in Successor Agency’s unsuccessful appeal of post-RDA dispute with Department of Finance)

City of Grass Valley v. Cohen, et al. (2017), 17 Cal.App.5th 567 (RDA contract with County Transportation Commission to fund freeway interchange a recognized obligation of former RDA)

City of Lakewood v. Cohen, et al. (unpublished) Case No. C078788 (appeal of post-redevelopment dispute with Department of Finance)

City of Paramount v. Cohen, et al. (settled on appeal) Case No. C078968 (defense of trial court victory in post-redevelopment dispute regarding enforceable obligation to maintain project funding to third party)

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City of Tulare v. Yee, et al. (settled on appeal) Case No. C078718 (appeal of post-redevelopment dispute regarding State Controller's order to disgorge payments from former RDA to sponsoring city)



Firmwide Significant Appellate Representations

Ninth Circuit

Hardesty v. Sacramento Metropolitan Air Quality Management District, Case Nos. 18-15772, 18-15773 (to be argued late 2019) appeal from judgment imposing punitive damages against County officials for alleged civil rights violations in enforcement of mining ordinances)

California Supreme Court

Alameda County Deputy Sheriff's Association v. Alameda County Employees' Retirement Association (pending), Case No. S247095 (does California Rule protecting pension benefits invalidate PEPRA reduction in retirement benefits?) (counsel for amicus)

American Civil Liberties Union Foundation of Southern California v. Superior Court (City of Los Angeles) (2017) 3 Cal.5th 1032 (automated license plate reader data exempt from disclosure under Public Records Act unless anonymized) (counsel for amicus)

Ardon v. City of Los Angeles (2016) 62 Cal.4th 1176 (inadvertent release of attorney-client privileged documents on public records request did not waive privilege)

Ardon v. City of Los Angeles (2011) 52 Cal.4th 241 (class action challenge to local taxes, assessments and fees permitted by California Government Claims Act but may be barred by claiming ordinance)

Bighorn-Desert View Water Agency v. Verjil (2006) 39 Cal.4th 205 (Prop. 218 applies to metered water rates; initiative to reduce water rates prohibited to extent it would require voter approval of subsequent rate increases) (counsel for amici)

Bonander v. Town of Tiburon (2009) 46 Cal.4th 646 (general validation procedure for public agency action does not apply to actions to contest assessments under Municipal Improvement Act of 1915) (counsel for amici)



California Cannabis Coalition v. City of Chico (2017) 3 Cal.5th 924 (Prop. 218 requirement that general taxes appear on ballots with Council or Board seats does not apply to initiative tax proposal) (counsel for amici)

Citizens for Fair REU Rates, Feefighter, LLC v. City of Redding (2018) 6 Cal.5th 1. (PILOT transfer from electric utility to City's general fund did not violate Prop. 26 because wholesale revenues were sufficient to fund the PILOT)

City and County of San Francisco v. UC Regents (argued Apr. 3, 2019), Case No. S242835 (power of cities and counties to tax parking fees imposed by UC on campus visitors) (counsel for local government amici)

City of Alhambra, et al. v. County of Los Angeles, et al. (2012) 55 Cal.4th 707 (counties misapplied property tax administration fees to taxes received in lieu of Vehicle License Fees and sales taxes under the VLF Swap and Triple Flip)

City of Hayward v. Board of Trustees of the California State University, Case No. S203939 (2015) (reviewed granted, held for lead case, and vacated and remanded) (duty of CSU to seek funding to make feasible mitigation of impacts of expansion of CSU East Bay on fire services of City) (author of amicus support for review)

City of Oroville v. Superior Court (California Joint Powers Risk Management Authority), Case No. S243247 (argued June 5, 2019) (inverse condemnation liability for sewer flooding cause by plaintiff's failure to install back water valve required by Uniform Plumbing Code)

City of Pasadena v. Superior Court (Mercury Casualty Co.) (2014) 228 Cal.App.4th 1228 (unsuccessful petition for review) (inverse condemnation liability for fallen tree)

City of San Buenaventura v. United Water Conservation District (2017) 3 Cal.5th 1191 (groundwater augmentation charge subject to Proposition 26, not 218)

City of San Buenaventura v. United Water Conservation District (review pending) Case No. S255205) (further appeal in Prop. 26 challenge to groundwater augmentation charges which favor agriculture)



Greene v. Marin County Flood Control & Water Conservation District (2010) 49 Cal.4th 277 (property owner ballots on property related fees under Prop. 218 not subject to ballot secrecy)

Haas v. County of San Bernardino (2002) 27 Cal.4th 1017 (County counsel's unilateral selection of temporary administrative hearing officers on an ad hoc basis violates due process) (counsel for amici)

Hamilton v. Yates (review denied) Case No. S252914 (requisites of collateral order doctrine as to appealability) (principal author for amicus California Academy of Appellate Lawyers amicus support for review)

Howard Jarvis Taxpayers Ass'n v. City of La Habra (2001) 25 Cal.4th 809 (continued imposition and collection of a utility user's tax without voter approval was an ongoing or continuous violation of Proposition 62, with statute of limitations beginning anew with each collection) (counsel for amici)

In re Transient Occupancy Cases (2016) 2 Cal.5th 151 (bed taxes do not apply to full priced charged by on-line resellers of hotel rooms) (counsel for local government amici)

Jacks v. City of Santa Barbara (2017) 3 Cal.5th 248 (supplemental franchise not a tax even though passed through to utility customers if reasonably related to value of right of way made available)

Jameson v. Desta (2018) 5 Cal.5th 594 (right of indigent civil litigants to subsidized reporter's transcript) (amicus)

Kurwa v. Kislinger (2017) 4 Cal.5th 109 (application of final judgment rule to appeal from case in which some claims were voluntarily dismissed and subject to tolling agreement) (counsel for amicus California Academy of Appellate Lawyers)

Leider v. Lewis (2017) 2 Cal.5th 1121 (no taxpayer standing to enforce criminal laws in challenge to confinement of elephants in LA Zoo) (counsel for local government amici)



Marina Coast Water District v. California Public Utilities Commission (review pending) Case No. S253585 (unusual original writ of review of PUC decision certifying EIR for desalination project)

McClain v. Sav-On Drugs (2019) 6 Cal.5th 951 (no consumer remedy for erroneous collection of sales tax) (counsel for amicus)

McWilliams v. City of Long Beach (2013) 56 Cal.4th 613 (Government Claims Act preempts local tax and fee claiming ordinances and allows class claims)

People ex rel. Lockyer v. R.J. Reynolds Tobacco Co. (2005) 37 Cal.4th 707 (tobacco company's distribution of free cigarettes violated statute regulating non-sale distribution of cigarettes) (counsel for amici)

Plantier v. Ramona Municipal Water District (2019) 7 Cal.5th 372 (exhaustion of administrative remedies not required in Prop. 218 challenge to sewer rate classification) (counsel for amici)

Richmond v. Shasta Community Services Dist. (2004) 32 Cal.4th 409 (increased capacity charge and fee for fire suppression imposed on applicants for new service connections was not an "assessment" subject to Proposition 218)

San Diego Unified Port District v. California Coastal Commission (review denied) Case No. S252474 (2019) (scope of Coastal Commission review of master port plan under statute, separations of powers and charter city home rule power)

Wilde v. City of Dunsmuir (fully briefed; awaiting argument) Case No. S252915 (availability of referendum to challenge water rates) (counsel for amici)

Court of Appeal for the First Appellate District

Brooktrails Township CSD v. Board of Supervisors (2013) 218 Cal.App.4th 195 (successfully requested publication on behalf of League of California Cities)

Brown v. City of San Rafael (pending) Case No. A156261 (appellate defense of judgment on demurrer to challenge to pension benefits based on statute of limitations)



Building Industry Association v. City of San Ramon (2016) 4 Cal.5th 62 (citywide Mello-Roos District to fund supplemental municipal services to new development complied with statute) (counsel for amicus League of California Cities)

City of San Rafael v. Valley Baptist Church (pending) Case No. A156171 (application of religious exemption from property taxes to special parcel tax)

City of Scotts Valley v. County of Santa Cruz (2011) 200 Cal.App.4th 97 (calculation of no- and low-property tax city subvention) (counsel for amici)

City of Vallejo v. NCORP4, Inc. (2017) 15 Cal.App.5th 1078 (City properly limited marijuana dispensary licenses to those who complied with its earlier tax)

Green Valley Landowners Association v. City of Vallejo (2015) 241 Cal.App.4th 425 (effort to enjoin sale of part of City water utility subject to successful demurrer without leave to amend as seeking to enforce an implied contract and to compel subsidized water rates in violation of Prop. 218)

Kahan v. City of Richmond (2019) ___ Cal.App.5th ___, 2019 WL 2225041 (May 23, 2019) (collection of delinquent trash fees on tax roll does not violate Prop. 218)

Luke v. County of Sonoma (pending) Case No. A155286 (appellate defense of judgment on demurrer dismissing challenge to pension benefits awarded in 2002 claiming failure to satisfy statutory notice requirements)

Luke v. City of Sonoma (pending) Case No. A156997 (appellate defense of judgment on demurrer dismissing conflict of interest and Brown Act challenge to decision to hire outside counsel to defend pension benefits for Supervisors and County Counsel)

Paland v. Brooktrails Township CSD Bd. of Directors (2009) 179 Cal.App.4th 1358 (monthly minimum water service fee for account inactivated for non-payment not subject to assessment provisions of Prop. 218) (counsel for amici)



Walker v. Marin Municipal Water District (unpublished), Case No. A152048 (amicus brief for local government associations; exhaustion of administrative remedies not required in Prop. 218 challenge to water rates)

Court of Appeal for the Second Appellate District

AB Cellular LA, LLC v. City of Los Angeles (2007) 150 Cal.App.4th 747 (City's decision to implement federal law to expand cell tax to cover all airtime was a tax "increase" requiring voter approval under Proposition 218 but earlier instructions to carriers enforceable to require payment of tax)

Arcadia Redevelopment Agency v. Ikemoto (1991) 16 Cal.App.4th 444 (agency challenge to application of property tax administration fees to tax increment) (counsel for amici)

Birke v. Oakwood Worldwide (2009) 169 Cal.App.4th 1540 (pervasive outdoor secondhand smoke may form the basis for private nuisance claim) (counsel for amicus California Chapter of the American Lung Association) (filed amicus brief and argued)

Broad Beach GHAD v. All Persons Interested (unpublished) Case Nos. B293494, B296304 (writ review of summary judgment and motion to strike document from administrative record in action to validate GHAD assessment)

City of Glendale v. Superior Court (Glendale Coalition for Better Government) Case Nos. B270135, B283819 (2016) (alternate writ issued to reverse order allowing discovery in water rates case limited to administrative record)

City of Pasadena v. Medical Cannabis Caregivers (2018) 21 Cal.App.5th 1086 (affirmance of preliminary injunctions against unpermitted marijuana dispensaries and related judgment upholding zoning ordinance)

City of San Buenaventura v. United Water Conservation District (unpublished) Case No. B251810 (remanding to respondent district for further record-making in Prop. 26 challenge to 3:1 ratio of agricultural to municipal & industrial fees for groundwater replenishment services) (on remand from California Supreme Court)



Glendale Coalition for Better Government v. City of Glendale (unpublished) Case Nos. B281994, B281991 (largely upholding Prop. 26 challenge to transfer from electric utility to general fund)

Glendale Coalition for Better Government v. City of Glendale (unpublished) Case No. B282410 (largely upholding tiered water rates against Prop. 218 challenge)

Goleta Ag Preservation v. Goleta Water District (unpublished), Case No. B277227 (successful defense of Proposition 218 challenge to tiered water rates and notice to customers not property taxpayers)

Hill RHF Partners v. City of Los Angeles, Mesa RHF Partners, LP v. City of Los Angeles (pending), Case Nos. B288356, B295315 (defense of business improvement district assessments against Prop. 218 challenge by affordable housing provider)

Newhall County Water District v. Castaic Lake Water Agency (2016) 243 Cal.App.4th 1430 (successful challenge to wholesale water rates based on use of groundwater not managed by wholesaler)

Re-Open Rambla, Inc. v. Board of Supervisors (City of Malibu) (1995) 39 Cal.App.4th 1499 (county's title to closed road vested in city upon incorporation despite city's effort to avoid accepting the street)

Ruskey v. Goleta Water District (unpublished), Case No. B275856 (successful appellate defense of successful demurrer for lack of standing in Prop. 218 challenge to water rates)

Schmeer v. County of Los Angeles (2013) 213 Cal.App.4th 1310 (plastic bag ban ordinance provision for \$0.10 fee on paper bags was not a tax under Prop. 26 because proceeds did not fund government) (counsel for local government amici)

Sipple v. City of Hayward (2014) 225 Cal.App.4th 349 (standing and claiming defenses to quasi-class refund claim for allegedly overpaid telephone taxes) (petition for review denied)



Court of Appeal for the Third Appellate District

Auburn Police Officers Association v. City of Auburn (unpublished), Case No. C067972 (2013) (stipulated reversal regarding availability under Meyers-Milias-Brown Act of writ review of City Council's denial of grievance from exercise of escape clause from salary increases pursuant to MOU)

City of Auburn v. Sierra Patient & Caregiver Exchange, Inc. (unpublished), Case No. C069622 (2013) (upholding preliminary injunction against medical marijuana dispensary opened in violation of zoning and business license ordinances)

City of Bellflower, et al. v. Cohen, et al. (2016) 245 Cal.App.4th 438 (self-help provisions of post-redevelopment legislation violate Prop. 22's protection for local government revenues)

City of Chula Vista, et al. v. Sandoval (pending), Case No. C080711 (defense of trial court victory in challenge to County's calculation of post-RDA RPPTF revenues)

City of Fountain Valley v. Cohen, et al. (unpublished) Case No. C081661 (representation of taxing agency in Successor Agency's unsuccessful appeal of post-RDA dispute with Department of Finance over recognized obligations)

City of Grass Valley v. Cohen, et al. (2017) 17 Cal.App.5th 567 (contract with County Transportation Commission to fund freeway interchange likely a recognized obligation of former RDA)

City of Grass Valley v. Superior Court, (unpublished) Case No. C088316 (2018) (writ review of Pitchess motion for disclosure of police personnel records)

City of Lakewood v. Cohen, et al., (unpublished) Case No. C078788 (2018) (appeal of post-RDA dispute with Department of Finance over recognized obligations)

City of Sacramento v. Wyatt (pending), Case No. C089702 (appeal from trial court ruling that voter approval insufficient to protect general fund transfer from water, sewer, and trash enterprise funds under Prop. 218)



County of Nevada v. Superior Court (unpublished), Case Nos. C076851, C082927 (interlocutory writ review of trial court writ of mandamus overturning use permit conditions for ridge-top residence; appeal from judgment pending)

Davies v. Martinez, (unpublished), Case No. C078986 (2018) (appeal dismissed as to our defense of summary judgment for attorney in breach of fiduciary duty claim by incarcerated former client suing in pro per)

Howard Jarvis Taxpayers Ass'n v. City of Roseville (2002) 97 Cal.App.4th 637 (in-lieu franchise fee charged to water and sewer utilities for benefit of general fund violated Prop. 218) (counsel for amici on request for rehearing)

Inyo County LAFCo v. Southern Mono Healthcare District (pending) Case No. C085138 (defense of trial court victory in dispute involving LAFCo power to regulate out-of-boundary service by healthcare district)

Lockyer et al. v. County of Nevada et al. (unpublished), Case No. C075249 (2014) (successful appellate defense of land use permits for cell tower)

Court of Appeal for the Fourth Appellate District, Division 1 (San Diego)

California Taxpayers Action Network v. City of San Diego (unpublished) Case No. D072987 (2018) (successful defense of dismissal on demurrer of challenge to business improvement district assessment)

Howard Jarvis Taxpayers Ass'n v. City of San Diego (1999) 72 Cal.App.4th 230 (BID assessment on businesses collected as surcharge on business license tax neither levy on real property nor special tax within meaning of Proposition 218) (counsel for amici)

Jentz v. City of Chula Vista (unpublished) Case No. D055401 (2010) (consistency of specific plan with slow-growth initiative)

La Jolla Benefits Assn. v. City of San Diego (pending) Case No. D075191 (consulting support for appellate defense of judgment for City in Prop. 218 challenge to assessment for lack of standing)



Plantier v. Ramona Municipal Water District (2017) 12 Cal.App.5th 856 (rev. granted) (exhaustion of administrative remedies defense to Prop. 218 challenge to sewer rates) (counsel for local government amici)

Reid v. City of San Diego (San Diego Tourism Marketing District) (2018) 24 Cal.App.5th 343 (tourism marketing assessment subject to 30-day statute of limitations, equal protection does not require registered voter election on assessment)

San Diegans for Open Government v. City of San Diego (San Diego Tourism Marketing District) (unpublished) Case No. D072181 (successful appeal from award of catalyst attorney fees in unsuccessful challenge to tourism assessment)

San Diegans for Open Government v. City of San Diego (San Diego Tourism Marketing District) (unpublished) Case Nos. D064817 (2013), D065171 (2014), D068022 (2015), D069965 (2016) (writ review of denial of demurrer to Prop. 26 challenge to renewal of tourism marketing district, re discovery of plaintiff association's members, discovery of computer of late founder of plaintiff association, and discovery of extra-record evidence for use on the merits)

San Diegans for Open Government v. City of San Diego (57 Municipal Assessment Districts) (unpublished), Case No. D065929 (2015) (successful defense of trial court dismissal of challenge to MADs for lack of standing; petition for review pending; successful defense of petition for review)

Webb v. City of Riverside (2018) 23 Cal.App.5th 244 (challenge to general fund transfer from electric utility barred by 120-day statute of limitations; change of use of rate proceeds was not an "increase" triggering Prop. 26)

Court of Appeal for the Fourth Appellate District, Division 2 (Riverside)

Bailey v. City of Riverside (unpublished) Case No. E070235 (appellate writ to challenge ex parte decisions setting trial on 12 days' notice and refusing neutral venue in dispute between City and its Mayor over application of his veto power to City manager's contract renewal)



Beutz v. County of Riverside (2010) 184 Cal.App.4th 1516 (Landscaping and Lighting assessment engineer's report insufficient to satisfy Prop. 218)

City of Barstow v. Fortune (settled on appeal), Case No. E035595 (2005) (implementation of decree adjudicating Mojave River)

Crystaplex Plastics, Ltd. v. Redevelopment Agency (2000) 77 Cal.App.4th 990 (supplier may recover against agency for amount of check where subcontractor received and negotiated check without knowledge, consent, or endorsement of supplier even though Agency made check to both subcontractor and supplier)

Inland Oversight Committee v. City of Ontario (2015) 240 Cal.App.4th 1140 (sustaining dismissal of Prop. 26 challenge to Tourism Marketing District Assessment for lack of standing and due to untimely appeal) (counsel for amici)

Mission Springs Water District v. Verjil (2013) 218 Cal.App.4th 892 (suit to bar initiative repeal of water rates from ballot subject to SLAPP, but SLAPP motion properly denied because evidence showed initiative would violate District's statutory duty to fund adequate water supply) (counsel for amici)

San Bernardino Public Employees Association v. City of Barstow (settled on appeal), Case No. E032858 (2003) (City refusal to implement bargained for pension enhancement due to bargaining conduct of self-interested City negotiator)

Trask v. Riverside City Clerk (unpublished), Case No. E065817 (2016) (defense of election challenge to proposed charter amendment; remanded for dismissal as moot)

Court of Appeal for the Fourth Appellate District, Division 3 (Santa Ana)

Citizens Ass'n of Sunset Beach v. City of Huntington Beach (2012) 209 Cal.App.4th 1182 (Prop. 218 does not apply to extension of City taxes into annexation area)

City of El Cajon v. San Diego County LAFCo (unpublished), Case No. G041793 (2010) (DCA upheld challenge to denial of island annexation)



City of San Juan Capistrano v. Capistrano Taxpayers Association (2015) 235 Cal.App.4th 1493 (inclining block conservation rates failed under Prop. 218, but recovery of recycled water program costs from all customers permissible)

Wetlands Restoration v. City of Seal Beach, et al. (unpublished), Case No. G010231 (1991) (defense of City's housing element)

Court of Appeal for the Fifth Appellate District

Citizens for Constitutional Government v. Board of Supervisors of Mariposa County (pending), Case No. F074986 (defense of trial court victory in Prop. 218 challenge to fire suppression benefit assessment)

City of Clovis et al. v. County of Fresno (2014) 222 Cal.App.4th 1469 (interest rate applicable to repayment of PTAFF following *Alhambra v. Los Angeles County*) (argued for amicus League of California Cities)

Foster Poultry Farms, Inc. v. City of Livingston, Case No. F059871 (appeal dismissed by City following recall of Council majority) (procedures for increase in water rates under Proposition 218) (co-author of amicus brief)

Howard Jarvis Taxpayers Ass'n v. City of Fresno (2005) 127 Cal.App.4th 914 (transfer from utility enterprise to general fund pursuant to voter-approved charter provision as payment in lieu of property taxes violated Proposition 218's restrictions on use of property related fees)

Neilson v. City of California City (2005) 133 Cal.App.4th 1296 (flat-rate parcel tax not an unconstitutional general tax, but rather a special tax dedicated to specific purposes; equal protection does not entitle absentee landowners to vote) (counsel for amici)

Vagim v. City of Fresno Case Nos. F068541 (2014), F068569 (2014), F069963 (2014) (multiple writs re initiative to lower water rates)



Court of Appeal for the Sixth Appellate District

Award Homes v. County of San Benito (pending) Case No. H044894 (pending) (defense of trial court victory and new trial motion in dispute as to development fees)

BMC Promise Way, LLC v. County of San Benito (pending) Case No. H046707 (pending) (defense of trial court victory and new trial motion in dispute as to development fees)

Citizens for Responsible Open Space v. San Mateo County LAFCo (2008) 159 Cal.App.4th 717 (rejecting procedural challenges to annexation to open space district) (ghost-writer of amicus brief for CALAFCo)

County of San Benito v. Scagliotti Case No. H045887 (pending) (recoupment of costs to defend former Supervisor in conflict of interest case in which he was found to have engaged in knowing misconduct)

Eiskamp v. Pajaro Valley Water Management Agency (2012) 203 Cal.Ap.4th 97 (challenge to groundwater charge barred by res judicata effect of earlier settlement) (successfully opposed review and depublication)

Griffith v. Pajaro Valley Water Management Agency (2013) 220 Cal.App.4th 856 (successful defense of Proposition 218 challenge to groundwater augmentation charges)

Holloway v. Showcase Realty Agents, Inc. (2018) 22 Cal.App.5th 758 (taxpayer had standing to assert Government Code § 1090 claim against Water District and former director)

Holloway v. Vierra, Case Nos. H044505, H044800 (unpublished) (defense of taxpayer's Political Reform Act claims against former Water District director; appeal of attorney fee award)

Monterey Peninsula Taxpayers Assn v. Monterey Peninsula Water Management District (unpublished), Case No. H042484 (2018) (appeal from successful defense of District's refusal to place referendum on ballot to repeal water supply charge)

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Attachment C — Firm Newsletter

Newsletter | Spring 2021

**COLANTUONO
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Update on Public Law

SCOCA Molds Public Finance Law

By Michael G. Colantuono

The California Supreme Court has a major role in developing the law of public revenues, interpreting the initiative constitutional amendments which frame that law. It does so by the cases it decides and — importantly — by those it decides not to hear at all.

In 2017, the Court decided *California Cannabis Coalition v. City of Upland*, a dispute over an initiative to allow marijuana dispensaries in that city. It concluded that an initiative is not subject to some of Proposition 218's limits on taxes proposed by city councils and county boards of supervisors. Its broad language opened the door to the possibility that a special tax proposed by initiative could be immune from the requirement for two-thirds voter approval. Three Court of Appeal decisions have now walked through that door, concluding that initiative special taxes can be approved by simple majorities of votes — two involving San Francisco and one involving Fresno. All three led to petitions for review in the California Supreme Court and the Supreme Court denied all three petitions. Thus, without deciding a case, the California Supreme Court has made very clear that the law is now settled — special taxes proposed by initiative require only simple-majority voter approval.

Some issues remain in litigation, such as whether special transactions and use ("sales") taxes require two-thirds voter approval because the Revenue & Taxation Code says so. We are litigating that issue for the County of Alameda. But, in large part, this battle is over.

The Supreme Court will decide, likely in the next year, an important issue in public finance litigation — whether a plaintiff must participate in a rate-making or other revenue hearing, identify the legal issues on which they will sue, and allow the agency to respond before suit. This is known as "exhausting administrative remedies" and, specifically, "issue exhaustion." It sounds pretty technical, but it matters greatly to the stability of

(continued on page 2)

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Organics Recycling is Coming – Is Your City Ready?

By Gary B. Bell and Nikhil S. Damle

SB 1383 (Lara, D-South Gate) established methane emissions reduction targets for short-lived climate pollutants — like methane. Governor Brown signed it into law in 2016. It requires a 50% reduction by 2020 from 2014 levels of organic waste disposal, and a 75% reduction by 2025. It also requires at least 20% of edible food currently entering the waste stream be recovered for human consumption by 2025. These requirements will challenge many cities and sanitation districts, which must work with their staffs and franchised haulers to adopt and enforce ordinances to comply with the new law. It applies to every commercial and residential generator of waste in the State — all of us.

CalRecycle is tasked to oversee implementation of the law. It released final regulations in late 2020. By January 1, 2022, cities and districts are required to adopt an “enforceable ordinance” mandating reduction of organic waste and to establish an edible food recovery program. Enforcement begins January 1, 2024. CalRecycle released models of a franchise agreement, organic waste reduction ordinance, procurement policy, and edible food recovery agreement. These are available on its website at <https://www.calrecycle.ca.gov/Organics/>.

Cities and districts should start work on an ordinance now to meet the deadline. This will likely require discussions with franchised haulers, food recovery organizations, large commercial waste generators, and others. Franchise and other agreements may also require amendment. With the exception of enforcement, for which public agencies must retain responsibility, a city or district can designate a private entity (such as a franchisee) or a public entity (such as a joint powers agency) to fulfill the new requirements.

The bill authorizes CalRecycle to impose penalties on cities and districts for noncompliance beginning January 1, 2022. However, this may be tempered by SB 619 (Laird, D-Santa Cruz), which blocks CalRecycle

from assessing penalties against cities and towns until January 1, 2023, as long as they have shown “reasonable effort” to comply. SB 619 does not change the compliance date of January 1, 2022, so ordinances must still be adopted by then. As this newsletter is written, the bill is pending in the Assembly Natural Resources Committee.

For more information, contact Gary at GBell@chwlaw.us or (916) 400-0370; or Nikhil at NDamle@chwlaw.us or (213) 542-5700.

Public Finance Law (cont.)

government finance. Without such a requirement, every new development in public finance law can produce a wave of lawsuits — like the many challenges to tiered water rates that followed the 2015 decision in *Capistrano Taxpayers Assn. v. City of San Juan Capistrano* or to general fund transfers from power utilities that followed the Court of Appeal decision in *Citizens for Fair REU Rates v. City of Redding* in 2015, even though the Supreme Court reversed that City’s loss in 2018. The pending Supreme Court case, handled by CHW for the affected assessment districts, is *Hill RHF Housing Partners, L.P. v. City of Los Angeles*. The Court of Appeal rejected a challenge to a business improvement assessment, holding the challengers needed to attend the hearings and to identify their issues — they could not just send in a “no” ballot and sue. The Supreme Court granted review in September 2020 and the case is now fully briefed. Argument is likely in 2022.

For more information, contact Michael at MColantuono@chwlaw.us or (530) 432-7359.

Historic Resources and Charter Cities' Home Rule Powers Bend to Housing Production

By Andrew L. Jared and Matthew T. Summers

New statutes have promoted housing supply at the expense of other local land use policies. Recent cases show how far they reach as against such other values as a 4,900-year-old cultural resource and cities' ability to control project siting.

In *Ruegg & Ellsworth v. City of Berkeley*, the Court of Appeal recently held that Government Code § 65913.4, adopted by 2017's SB 35 (Wiener, D-San Francisco), applies to charter cities, even as to a site on the Register of Historic Resources. This resource was a "shellmound"—archeological evidence of thousands of years of civilization.

Typically, a housing development receiving discretionary approval subject to the California Environmental Quality Act (CEQA) must comply with regulations to protect historical and cultural resources. In 2018, SB 35 required expedited review of housing projects. A qualifying project is subject only to "streamlined," ministerial approval and is not subject to conditions or mitigation measures. Cities must respond to a project application quickly — within 60 to 90 days, depending on project size — or the project is deemed to "satisfy" planning standards.

Ruegg & Ellsworth confirmed the Housing Accountability Act (Government Code § 65589.5) and SB 35 apply to charter cities and that recent amendments to the latter requiring streamlined approval of mixed-use projects, if at least two-thirds of the project's square footage is residential, apply retroactively. Berkeley is seeking review in the California Supreme Court.

The case did observe that, while mixed-use projects qualify for SB 35's streamlined approval process, their commercial components are subject to charter city land use power. Local application review procedures should account for this greater authority.

Home rule powers are also at issue in *California Renters Legal Advocacy and Education Fund v. City of San Mateo* involving the Housing Accountability Act (HAA). The HAA requires cities and counties to articulate why projects contradict objective standards within 60 days after a complete application is submitted, or the application is "deemed approved." San Mateo disapproved a 10-unit market-rate development for violating objective requirements for height limits and second-story setbacks from single-family uses. The trial court found its special standard of review of zoning compliance unconstitutional as to charter cities. Housing advocates appealed, and the Attorney General intervened to defend the statute. CHW wrote an amicus brief for Cal. Cities defending charter cities' home rule authority and arguing the HAA's special standard of review is unconstitutional for all cities as an unlawful delegation of municipal power to others. Decision is expected this year.

Given many new pro-housing laws, the risk of litigation, and tight deadlines; cities and counties must be prompt in reviewing housing proposals.

For more information, contact Andrew at AJared@chwlaw.us or (213) 542-5390; or Matt at MSummers@chwlaw.us or (213) 542-5719.

We've Got Webinars!

CHW offers webinars on a variety of public law topics including mandatory policies on water-meter shutoffs; new and proposed housing statutes; public works; and police personnel records. Check our website for current topics.

To schedule a webinar, contact Bill Weech at BWeech@chwlaw.us or (213) 542-5700.



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